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ABSTRACT

One of the training materials prepared by the National Paralegal Institution (NPI) under a Federal grant, the report analyzes the paralegal role in Legal Services and addresses the need for clear information and statistics on paralegals, or legal assistants. Section 1, Current Knowledge on Paralegals, consists of: a summary of the paralegal movement in public/private law, a statistical profile of paralegals (based on two national survey questionnaires sent by NPI to project directors and to Legal Services paralegals), a survey of 14 Legal Services projects which utilize paralegals, and an outline of funding sources for paralegal positions. Section 2, Designing and Implementing a Paralegal Utilization Plan, provides guidelines for projects which currently employ or anticipate the employment of paralegals. It covers: caseload analysis; types of paralegal functions; structuring employment and utilization; recommended recruiting, screening, and testing devices; and orientation-apprenticeship. Section 3, Training and Supervision Options and Models, examines Legal Services paralegal training, models for orientation and supervision, and training options/models for larger projects. Section 4 concludes with recommendations to the Community Services Administration and the Legal Services Corporation. The two NPI questionnaires, a model training session schedule, and a listing of publications and video tapes available from NPI are appended. (EA)

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The Significance of Paralegals in the Legal Services Program

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Errata

Contents	Correction attached
Page 87, line 7, is page 48	Missing page reference
Page 183, lines 3-4	Sample schedules are found in Appendix C
Pages 205-206	These pages are the introduction to Section IV and should be located between page 207 and page 208
Page 208	Recommendations should be preceded by pages 205-206 which are the introduction to Section IV.

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ABBREVIATIONS

AAA	Area Agency on Aging
AALS	Association of American Law Schools
ABA	American Bar Association
AFDC	Aid to Families with Dependent Children
CAP	Community Action Program
CETA	Comprehensive Employment and Training Act
CLEPR	Council on Legal Education and Professional Responsibility
CSA	Community Services Administration
CSC	Civil Service Commission
HEW	Department of Health, Education, and Welfare
LSTP	Legal Services Training Program
NALA	National Association of Legal Assistance
NPI	National Paralegal Institute
RSVP	Retired Senior Volunteers Program
SSI	Supplemental Security Income
UYA	University Year in Action
VISTA	Volunteers in Service to America

INTRODUCTION

The paralegal movement has had a dramatic impact on the delivery of legal services in the United States. Many large private law firms now employ as many as 25 paralegals to do work formerly done by attorneys. Some lawyers have systematized entire areas of their practice, such as personal injury, workmen's compensation, and divorce, so that most of the work is performed by paralegals. American Bar Association (ABA) president James Fellers has asserted that paralegals are the most promising available means for extending legal services to millions of citizens.

Within the Community Services Administration (CSA, formerly OEO) Legal Services, the impact of paralegals has been no less dramatic. Between 1972 and 1974 the number of paralegals working in Legal Services has doubled and their range of responsibilities has substantially increased. Some Legal Services project directors estimate that paralegals handle almost half the case load.

The only rules governing the paralegal movement are unauthorized practice laws which restrict paralegals from performing certain functions reserved for lawyers. There are no educational requirements, certification, or licensing rules. Nor is there an agreed upon definition of "paralegal," although within Legal Services projects a definition emerges from an analysis of paralegal functions.

This report addresses the need for clear information and statistics on paralegals and analyzes their role in Legal Services. It reports the results of surveys and studies performed by the National Paralegal Institute (NPI), consolidates the findings of demonstrations run by NPI over 2 years, offers recommendations and models for projects to follow, and presents recommendations to CSA and the Legal Services Corporation.

The report is divided into three sections, each with subsections.

I. Current Knowledge on Paralegals

A. A summary of the paralegal movement in public and private law, including training programs, organizations active in the field, and current issues.

B. A statistical profile of Legal Services paralegals, summarizing the findings of two national survey questionnaires sent by NPI to project directors and to Legal Services paralegals. It provides a profile of paralegals' age, education, background, work experience, and other demographic characteristics. It analyzes the functions, working structures, funding, salaries, amounts and kinds of training received, and opinions of paralegals.

C. A survey of 14 Legal Services projects which systematically utilize paralegals--the 14 projects employ almost 20% of Legal Services' paralegals. The survey is based on direct inquiries for information not available through written questionnaires.

D. An outline of various sources of non-CSA funding available and being used by Legal Services projects to pay paralegals.

II. Designing and Implementing a Paralegal Utilization Plan

A. Caseload analysis in planning for paralegal utilization.

B. Types of paralegal functions: an analysis of the generalist, specialist, intake interviewer, and outreach worker.

C. How a project should plan for and structure employment and utilization of paralegals.

D. Recommended recruiting, screening, and testing devices for hiring paralegals.

E. Developing an orientation-apprenticeship period for new paralegals.

III. Training and Supervision Options and Models

A. Current state of Legal Services paralegal training.

1. The NPI program and experiments in disseminating training throughout the country.
2. The characteristics of, and resources needed for, effective training, and the cost of such training.
3. The distinction between those projects which can and those which cannot provide effective in-house training.

B. Models for orientation and supervision

C. Training options and models for larger projects capable of providing substantial training.

IV. Recommendations to CSA and the Legal Services Corporation

This report is broad in scope. We recognize that many readers, while interested in various aspects of the report, will not choose to read all of it. Thus, we have maintained a certain independence among the report's various sections so that each may be read independently by those interested in a specific topic. As a result, certain information and assertions are repeated throughout the report.

Aside from the creation of NPI in 1972 to develop and disseminate training materials and techniques, perform studies, and provide training, demonstrations, and technical assistance, CSA has not developed policies or guidelines for the Legal Services projects regarding paralegals. This has resulted in part from lack of information on who paralegals are and what they do. Moreover, there has been insufficient analysis of paralegal needs and capacities. This report attempts to provide sufficient information for policy decisions. The report substantiates the important role paralegals play in delivering legal services and discusses the training and utilization experiences which 2 years of demonstration work by NPI has produced.

The report does not analyze the nontraining functions of NPI, such as technical assistance, surveys, studies, dissemination of materials, and liaison to other organizations.

The capacity of paralegals working in conjunction with lawyers to extend quality legal services appears to be well established. The potential for dramatic expansion has barely been tapped. As demonstrated in the report, it is important that CSA and the Legal Services Corporation provide systematic and substantial support in order to make possible the expanded utilization of paralegals in Legal Services.

SECTION 1

CURRENT KNOWLEDGE ON PARALEGALS

A SHORT REVIEW
OF THE PARALEGAL MOVEMENT

DEFINITION OF A PARALEGAL*

There is no precise definition of the term "paralegal." Because the occupation is relatively new and its potential remains unrealized, paralegal job functions are still being identified and described. However, those in the field, including paralegals themselves, tend to use the term in a certain way. It is generally accepted that a paralegal must be specifically trained, either on the job or in a formal training program. Paralegals perform work previously regarded as within only an attorney's capabilities. Paralegals almost always work under the supervision of an attorney; some work without an attorney's direct supervision where authorized by statute or regulation or with special court permission. For example, paralegals may represent clients in some administrative agency proceedings, such as Social Security or welfare hearings. In addition, paralegals are allowed to appear in some small claims courts.

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*The use of paralegal in this report is not meant to indicate a preference over the terms "legal assistant," "attorney's assistant," "legal paraprofessional," "advocate," or others.

The paralegal concept excludes some fairly well-defined legal support roles: secretary, clerk, librarian, social worker, community aide, and office administrator. Paralegals should be trained in basic legal knowledge, skills, and one or more specialties. What is done with this training varies as the following picture of paralegal diversity reveals. The profile of paralegals was obtained by classifying them as to where they work, what they do, where they are trained, etc. These classifications are purely for convenience--they have no formal significance.

WHERE PARALEGALS WORK

Paralegals may be found almost anywhere legal work is performed. For convenience, this report divides paralegals into two broad categories according to their place of employment: private sector and public sector paralegals. Private sector paralegals work in private, profitmaking law firms; public sector paralegals in nonprofit legal services delivery systems or government agencies. The two categories are not exclusive; paralegals may move from one sector to the other just as lawyers may apply their skills to many areas of law.

Private Sector

Large, urban law firms are the biggest private sector employers. However, as lawyers are becoming more familiar with the benefits of employing paralegals, smaller firms are finding paralegals a practical solution to meeting both their needs and those of their clients. Businesses, especially large corporations, also are hiring paralegals to work in their in-house counsel divisions.

Public Sector

1. Community Services Administration Legal Services* Approximately 50 percent of Community Services Administration (CSA, formerly OEO) Legal Services projects employ paralegals. A few projects employ as many as 30 paralegals although most employ only 1 or 2. More than 85 percent of the paralegals have had some college training; over 45 percent are college graduates. Few have received any formal paralegal training before entering a Legal Services program.

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*On October 13, 1975, all CSA Legal Services activities were turned over to the Legal Services Corporation.

A single paralegal may perform a wide range of services. Virtually all interview clients. A large percentage negotiate with government agencies on behalf of clients in public entitlement cases, represent clients at administrative hearings, and do investigative work. Many also do legal research and drafting.

CSA Legal Services project directors report substantial satisfaction with the work of paralegals; however, lack of funds prevents them from hiring more.

2. Government Federal, state, and local governments employ many paralegals and are exploring new ways in which to use them. The Civil Service Commission (CSC) estimates that the Federal Government employs 30,000 paralegals and envisions an even larger role for them in the near future. CSC has developed a new Paralegal Assistance Series that includes the following functions: (a) analyzing legal material and preparing digests of points of law for internal agency use; (b) maintaining legal reference files and furnishing attorneys and others with citations to pertinent decisions; (c) selecting, assembling summarizing, and compiling substantive information on statutes, treaties, and specific legal subjects; (d) collecting, analyzing, and evaluating evidence as to activities under specific Federal laws before an agency hearing or decision; (e) analyzing facts and legal

questions presented by personnel administering specific Federal laws; answering questions by collecting interpretations of applicable legal provisions, regulations, precedent, and agency policy; and, occasionally, preparing informational and instructional material for general use; and (f) performing other paralegal duties "requiring discretion and independent judgment" in applying specialized knowledge of particular laws, regulations, precedent, or agency practices based thereon.

Paralegals are employed by the National Labor Relations Board; Federal Trade Commission; Equal Employment Opportunity Commission; Department of Justice; and Department of Health, Education, and Welfare.

Other Paralegal Jobs

Group and prepaid legal services plans promise to provide paralegal jobs as those delivery systems gain popularity.

A number of law communes throughout the country also employ paralegals, generally trained by commune lawyers. It is a commune tenet that lawyers, paralegals, and other staff are equal in responsibility, salary, and capacity.

Some criminal justice agencies, for example, public defender programs, prosecutors' offices, and bail projects, use trained laymen to assist lawyers, and there has been talk of greatly expanding the paralegal role in criminal law.

WHERE PARALEGALS ARE TRAINED

On the Job

In addition to Legal Services projects, many law firms and government agencies also employ paralegals trained on the job. The Chicago Association of Paralegal Assistants found that 60 percent of their members who responded to a recent survey had no formal paralegal training. This situation will probably change as paralegal training programs become more available and gear their curricula to the needs of the job market.

Many lawyers and paralegals stress the necessity and desirability of on-the-job instruction even for paralegals who have completed formal training programs, and most law firms and Legal Services projects provide on-the-job training by individual lawyers. Training, of course, varies considerably. In addition, some Legal Services projects, law firms, and government agencies have inauguarated regular in-house training programs.

Community Colleges

About 70 community colleges offer paralegal training. The curricula are almost entirely geared to private law jobs. The colleges generally take no responsibility for placement of students, and the programs are so new that employment success has not been measured. Common elements of most community college curricula are law office administration, legal writing, and legal research. Beyond that, most offer a potpourri of courses designed to produce a generalist: corporations, tax, real estate, family law. With few exceptions, community colleges do not provide courses relevant to either Legal Services or other public sector employment.

Colleges and Law Schools

Although most paralegal training programs are offered at the community college level, some colleges and law schools also offer them. Most college programs prepare students for work in the private sector.

Only a few law schools offer paralegal training. The University of West Los Angeles Law School conducts a continuing education paralegal program which, for the academic year 1971-72, enrolled 195 students (184 women; 138 former or present legal secretaries; 56 high school graduates). The Utah College of Law Institute designs systems for training paralegals in routinized areas of private law practices. At Antioch School of Law about 15 paralegals a year are trained to enter either the public or private sector. The University of Southern California Law Center regularly holds intensive training programs, primarily on specialization subjects for legal secretaries.

Proprietary Schools

The number of proprietary schools offering paralegal courses is still small. This may change as job markets for paralegals develop. As there is no clearinghouse for information on proprietary schools, it is difficult to estimate their number. The Institute for Paralegal Training in Philadelphia, a subsidiary of Bell & Howell, Inc., probably offers the best known training program in this category. Established 4 years ago, it carefully selects and screens college graduates, mainly women, and provides 3 to 4 months of intensive training in one specialty. Job placement is guaranteed.

Other proprietary schools tend to be general career/vocational institutions offering short courses.

Short-Term Intensive Training Programs

Short-term intensive programs are useful for paralegals who cannot spend much time away from their jobs and who need only to acquire specific skills and information. The cost in time and money is tolerable for those who cannot afford college tuitions. Such programs permit training as the need arises for specific skills development.

The National Paralegal Institute (NPI) provides such training. A few Legal Services projects have also developed short, intensive training programs for their own staffs. In addition, some colleges and law schools occasionally offer short sessions in such areas as civil rights, probate, divorce, and legal research. For example, in 1969 Columbia Law School trained 20 paralegals, slated for OEO Legal Services jobs, in a 6-week intensive program.

WHAT PARALEGALS DO

Paralegals may be divided into two broad categories according to the work they perform: generalist and specialist.

Generalist

Paralegals in this category are expected to handle a wide range of responsibilities, such as interviewing, fact gathering, research, and document drafting. Generalists are usually found in small law offices.

Specialist

Most paralegals are specialists. Their training usually focuses on one area of the law, such as wills, real estate, trusts, criminal law, public assistance, or landlord-tenant.

Specialization allows efficient program operation and training. Many paralegals with adequate training and supervision become experts in one area and handle most of the work involved in processing cases in that area.

Federal and state regulations permit laymen to represent clients at many different kinds of adminstrative hearings. A group of paralegals has emerged that represent clients at such hearings. These paralegals--administrative specialists--are found in Legal Services and also in non-profit organizations such as welfare rights organizations, tenant's groups, and senior citizen agencies.

ORGANIZATIONS ACTIVE IN THE PARALEGAL FIELD

In addition to Legal Services projects and law firms involved in the paralegal field, several national organizations have taken an interest in how the occupation develops.

Paralegal Professional Associations

As the paralegal movement gained momentum and recognition, paralegals began forming associations. Some were started by students in paralegal training programs, others by working paralegals. The first groups were primarily composed of private sector paralegals. However, it soon became apparent that the interests, goals, and needs of all paralegals were similar, and the organizations attempted to reflect the diversity found within the occupation.

In May 1974 representatives of eight associations met and founded the National Federation of Paralegal Associations. During its first year, the Federation served as a communications network to alert and inform members of issues and events that affected paralegals.

At their 1975 meeting, representatives resolved that the Federation would assume a new structure and become a professional association for paralegals. It was further resolved that Federation members would take an active role in developing and regulating the occupation. There are about 20 new organizations in the process of forming and joining the Federation.

The legal assistant section of the National Association of Legal Secretaries has formed a separate organization, the National Association of Legal Assistants (NALA). Unlike the Federation, which consists of organizations, membership in NALA is on an individual basis.

American Bar Association

In 1968 the American Bar Association's (ABA's) Special Committee on the Availability of Legal Services reported to the House of Delegates that "legal services would be more fully available to the public" if the legal profession were to recognize that "freeing a lawyer from tedious and routine detail" would conserve the lawyer's time and energy for "truly legal problems." Accordingly, three recommendations were made:

1. The legal profession should recognize that there are many tasks in serving a client's needs which can be performed by a trained non-lawyer assistant working under the direction and supervision of a lawyer;
2. The legal profession should encourage the training and employment of such assistants; and
3. A special committee of the ABA should be created to consider the subject of lay assistants for lawyers.

These recommendations were adopted by the House of Delegates and the Special Committee on Lay Assistants (now the Standing Committee on Legal Assistants) was established. In 1969 the Special Committee sponsored limited surveys of law firms around the country and found that there was "a significant" use of nonlawyers.

In 1971 the Special Committee published a set of recommendations for paralegal training. It suggested that 1-, 2-, and 4-year college programs, be made available for legal secretaries, legal assistants, and legal administrators, respectively. The proposed curricula were slanted entirely towards private practice of law.

In 1973 the House of Delegates adopted "Guidelines" of recommended standards for operating 2-year paralegal programs in colleges.

In 1974 the Special Committee received permission from the House of Delegates to begin approving (i.e., accrediting) paralegal training programs that met the "Guideline" standards.

There has been much opposition from lawyers, paralegal educators, and paralegals to ABA control of accreditation of paralegal training programs. One objection is that the paralegal occupation is new and accreditation standards, based on limited knowledge of the field, are premature. In addition, the ABA's "Guidelines" are aimed at meeting the needs of only one narrow sector of the law. Institutions that structure their paralegal programs in order to gain ABA approval risk not being able to meet demands for paralegal training in other areas. For example, as government agencies continue to find new ways to use paralegals, flexibility in training curricula will be crucial in order to meet their needs.

Objections to the "Guidelines" are directed not only to the substance, but also to the length of the proposed programs. A 2-year course is inappropriate for college graduates, working paralegals, and senior citizens, among others.

Finally, there is the issue of ABA control of the paralegal profession. Paralegals, and many educators and lawyers, seek a broadly representative group to accredit paralegal training, arguing that there is a vital public interest in the way the occupation evolves.

The National Paralegal Institute

NPI was formed in June 1972 under a OEO grant, to support and promote the use of paralegals in the public sector of the law, particularly in Legal Services. NPI's broad mandate includes acting as liaison with colleges, law schools, bar associations, and paralegal associations; developing strategies for the growth and development of the paralegal movement; designing training materials and conducting training for CSA paralegals; and doing research on training, utilization, and other important issues.

NPI conducts, and helps other Legal Services trainers conduct 1-week intensive training sessions for CSA paralegals around the country.

The Association of American Law Schools

In 1970 the Association of American Law Schools (AALS) created a Committee on Paraprofessional Legal Education. That Committee recommended that AALS

- -- commission two studies: a law review symposium on paralegals (24 Vanderbilt Law Review 1083, 1971) and a study and evaluation of present training programs;
- -- consider commissioning a paralegal curriculum development project;
- -- instruct the Committee on Pre-Legal Education and Admission to Law Schools to consider special admission standards for paralegals to law schools;
- -- instruct the Committee on Teaching Outside Law Schools to consider the emerging need for paralegal teachers; and
- -- offer to work with the ABA, CSA, and others on certification, supervision, and similar issues affecting the paralegal movement.

In November 1974 the Committee released its report presenting a broad overview of the paralegal movement and the issues and organizations affecting its development. Included were recommendations to the AALS Executive Committee about the role law schools should play in developing the paralegal occupation.* The report recommended that, among other things, AALS work to promote a broadly representative body of lawyers, paralegals, educators, and citizens to establish rules of accreditation of training and certification of paralegals.

National Consumer Center for Legal Services

In 1972 representatives of the Nation's major unions held a conference on prepaid and group legal services plans. Those attending favored the creation of such programs and emphasized the use of "closed" panels of lawyers in which preselected groups of lawyers handle all legal problems generated by group members. In contrast, in the "open" panel approach, favored by most bar associations, all lawyers in the community are eligible to render services.

The conferees formed the National Consumer Center for Legal Services, interested in efficiency techniques to reduce the cost of legal services to its members.

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*Copies of the report may be obtained from the Association of American Law Schools, One Dupont Circle, Washington, D.C., 20036

Substantial paralegal components will be built into its plans. The group has established a national technical assistance program to help unions establish prepaid legal programs. A 1973 amendment of the Taft-Hartley Act makes prepaid legal services, as a fringe benefit, an item of collective bargaining. This development could dramatically increase the need for lawyers and paralegals.

ISSUES AFFECTING THE PARALEGAL MOVEMENT

Accreditation

Accreditation is the process by which an agency or organization evaluates and recognizes a program of study or an institution as meeting certain predetermined qualifications or standards. Whether paralegal training programs should now be subject to accreditation; how such an accrediting agency should be established; and who should control it are all pending issues.

A possible approach would be to create a broadly representative accrediting body, including not only paralegals but also lawyers, legal and paralegal educators, and public representatives.

Certification or Licensing

Certification is the voluntary process by which a non-governmental agency or association recognizes an individual who has met certain predetermined qualifications specified by that agency or association.

Licensing is the process by which an agency of government grants permission to persons meeting predetermined qualifications to engage in a given occupation and/or use a particular title. Only licensed individuals may engage in the given activity.

Licensing of paralegals has never been seriously discussed; however, certification has been proposed by several state bar associations. Most authorities believe that a valid certification program is not feasible, at least until current paralegal job functions have been more fully explored. Even so, some bar associations are pressing for certification of paralegals in order to control the development of the paralegal occupation.

Certification at this time, especially if controlled by the organized bar, would have a chilling effect on the development of the field. Some paralegals, motivated by a desire for status, higher salaries, and greater recognition, support certification. However, the overwhelming trend among paralegals, paralegal educators, and others seems to favor deferring certification until the occupation has been better defined. Because the occupation is very new and for other reasons outlined above, certification for paralegals has begun in only one state.*

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*The certification movement in Oregon was initiated by the State Bar Association and has been wholly organized and controlled by the Bar. The first certification examination is scheduled for Fall 1975.

STATISTICAL PROFILE OF PARALEGALS

In the Spring of 1974 NPI sent all Legal Services project directors a questionnaire concerning their use of paralegals. The survey focused on paralegal job functions, kinds of training they have received, attitudes regarding the value of paralegals, and what project directors and supervising attorneys considered to be priorities for future training and other related activities of NPI. The study attempted to identify areas of the country in which NPI's training programs were most needed, which projects could supply trainers to participate in NPI's training sessions, and the number and location of paralegals. The questionnaire is attached as appendix A.

The questionnaire was designed to be answered by each branch office of a Legal Services project. Main and branch project offices number approximately 900; and in some cases projects have 10 or more separate offices. During the Spring and Summer of 1974, NPI sent reminders and additional questionnaires and made telephone calls to solicit responses. By November 1974 approximately 80 percent of all offices had returned the questionnaire. A telephone survey of the others provided statistics on another 10 percent.

What follows is a summary of the findings, reflecting data from 90 percent of all projects on numbers and functions of paralegals. Information on caseload and project opinions of paralegals comes from a computer analysis done in September 1974 using data from the approximately 50 percent of the projects which had then responded.

Based on the 90 percent data (with several large projects not reporting) there are 1,012 paralegals working in Legal Services projects throughout the country. These paralegals constitute slightly less than one-fifth of all personnel employed by both back-up centers and neighborhood projects. The majority of these paralegals work full time. Statistics for Legal Services personnel follow:

LEGAL SERVICES EMPLOYMENT
1974

	Total Staff	Full Time	Part Time
		(Percent)	
Paralegals	17.51	69.86	30.14
Attorneys	39.41	94.30	5.70
Secretaries and Receptionists	29.56	91.70	8.30
Social and Community Workers	2.47	64.34	35.66
Investigators	1.51	68.97	31.03
Others	9.54	39.74	60.26
	100.00		

There has been an increase of over 100 percent in the number of paralegals and in the percentage they constitute of Legal Services personnel since 1972 when NPI administered a similar questionnaire. At that time there were 451 paralegals, 364 of whom were employed full time.

The number of paralegals has risen dramatically even though few Legal Services projects have been able to increase their budgets to provide adequate salaries for paralegals. The majority of Legal Services paralegals receive a salary less than that paid to beginning secretaries. Nearly two-thirds (64.51 percent) of the full-time paralegals are paid part or all of their salaries from project funds; almost half (44 percent) are paid entirely by project funds. Volunteers in Service to America (VISTA) provides salaries for 19.35 percent of the full time paralegals, and outside agencies, such as the Department of Health, Education, and Welfare (HEW), Community Action Programs, and state projects provide 16.12 percent of the full time paralegals' salaries.

Several larger projects have hired two or three paralegals to replace one or two lawyers when lawyer vacancies have occurred. Whether hiring paralegals for new job slots or in place of lawyers, 83 percent of the projects employing paralegals reported an increased office caseload which project directors and supervising attorneys attributed to the paralegals' presence. Only 13 percent reported no increase in caseload once paralegals were hired, and 4 percent of the respondents were not sure whether the caseload had increased.

Statistics from projects which gave specific percentages regarding their caseload increase are as follows:

Caseload Increase	Respondents Reporting These Increases (Percent)
11 to 20	25
21 to 30	25
31 to 40	25
41 to 50	25
	100

As the following statistics indicate, paralegals also handle a significant portion of the project caseloads:

Caseload Handled by Paralegals	Projects Reporting Specific Caseload Handled by Paralegals (Percent)
1 to 10	21
11 to 20	33
21 to 30	21
31 to 40	15
41 to 50	6
51 to 80	4
	100

Perhaps because of the increased caseload attributed to paralegals as well as the substantial percentage of the caseload that paralegals handle, 82 percent of the projects indicated that paralegals are "of great value." Thirteen percent of the respondents indicated that paralegals are of "some value," and 5 percent felt they could not answer because their personnel had not worked with paralegals. None of the projects considered paralegals to be of "slight or negligible value" or of "no value."

The need for and value of paralegals was further emphasized in a question requesting projects to describe their needs regarding paralegals. Only 6 percent felt that they did not need paralegals, and another 20 percent said they did not need additional paralegals. Seventy-four percent felt they needed more paralegals.

Project directors and supervising attorneys were also asked which type of paralegal they most needed: community legal workers, knowledgeable in group legal rights; technicians who specialize in handling volume cases in routine areas, such as divorce, eviction, and application for public housing; or advocates who can prepare for administrative hearings in welfare, workmen's compensation, Social Security, SSI, etc. Responses to this question are as follows:

PROJECTS' NEEDS FOR PARALEGALS

	Need Most	Need More (Percent)	Have No Need
Technicians	42	32	26
Advocates	40	34	26
Community Legal Workers	17	41	42

Priority needs of projects are equally divided between technician-specialists and administrative hearing advocates, with a relatively low emphasis on community and group workers.

Along with the need for more paralegals, the projects indicated that the vast majority of their paralegals needed more training. Only 6.74 percent indicated that no additional training was necessary for their paralegals; whereas 83.26 percent of the respondents felt that more paralegal training was both desirable and necessary. Over 97 percent of the respondents provide at least some training opportunities for their paralegals. The type of training offered is shown below:

PARALEGAL TRAINING

Type of Training Available	Percentage of Projects Providing this Training
In-house:	
Staff lawyers only	25
Outside lawyers only	1
Staff and outside lawyers	9
Programs outside the project only	7
In-house by staff lawyers and in outside programs	33
In-house by outside lawyers and in outside programs	1
In-house staff, outside staff, and outside training programs	24

Those projects which provided little or no training were asked to explain why. Although the variety of answers made it impossible to computerize replies, lack of funds, staff, and time were the overwhelming responses. An indication of the projects' need for funds for hiring paralegals and for training paralegals was emphasized in the last section of the questionnaire. Here project directors and supervising attorneys were asked to assign priorities to services now provided by NPI. Over half (55.26 percent) of the project directors and supervising attorneys placed a high priority on the task of locating funds for new paralegal positions on the local level.

As the following chart shows, projects placed a high priority on NPI's training activities:

PROJECT PRIORITIES FOR NPI

Activity	High Priority (Percent)	Low Priority (Percent)
Offering training courses at local level	58.06	41.94
Preparing training manuals	52.53	47.47
Offering training courses on the national or regional level	42.39	57.61
Providing office systems and manuals	41.01	58.99
Supplying technical assistance personnel for training at the local level	40.19	59.81
Supplying instructions on recruiting, training, and supervising paralegals	29.03	70.97
Encouraging community colleges and universities to offer paralegal programs	22.58	77.42
Disseminating information about paralegals	16.58	83.42
Recruiting paralegals	5.66	94.34

Of particular significance is the finding that only 21 percent of those responding indicated that they have personnel who could act as trainers at training sessions. The projects prefer local training to regional or national training. However, since so few can provide staff to assist with local training, it would be inordinately expensive to offer NPI training to individual local projects. Combining the expressed need for either local, regional, or national training with the indicated lack of local training staff suggests that regional or national training, rather than local training with reliance on local trainers, is appropriate.

1975 SURVEY OF LEGAL SERVICES PARALEGALS

In early 1975 NPI, using the names of paralegals listed on its 1974 project director questionnaire responses, surveyed CSA Legal Services paralegals. A response rate of over 50 percent provided statistical validity. The questionnaire is attached as appendix B. The responses provide a detailed profile of paralegals: where they are and who they are; their backgrounds, ages, job experience; titles, salaries, and functions;

training received and needed; and a series of interrelations, such as training received compared with time on the job compared with function.*

The survey tends to rebut some common misconceptions and confirm some presumptions. It reveals that Legal Services paralegals are highly educated; almost half are males; they are undertrained, undersupervised, and low paid; responsible for a substantial percentage of Legal Services work; likely to stay on the job; and tend to specialize in at least one area of substantive legal work.

More detailed data is available from NPI upon request.

DEMOGRAPHIC VARIABLES

Geographic

Legal Services paralegals are utilized more frequently in some areas of the country than in others.

Paralegals who responded to the 1975 questionnaire were heavily concentrated in the four regions whose headquarters are in Boston (I), Atlanta (IV), Chicago (V) and San Francisco (IX). With the exception of three regions, the percentage of respondents per region did not deviate more than 3 percent from the percentage of paralegals per region as reported by the project directors in 1974. In Region V a higher proportion than average responded, and in Regions VI and IX a lower proportion responded.

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*The terms "paralegal" and "paralegal population" as used in this section of the report refer to those responding to the questionnaire.

A breakdown of respondents and the regions in which they work follows:

Region	Absolute Frequency[1]	Relative Frequency (Percent)[2]
I (Boston)	80	15.0
II (New York)	44	8.3
III (Philadelphia)	38	7.2
IV (Atlanta)	71	13.4
V (Chicago)	77	14.5
VI (Dallas/Forth Worth)	23	4.3
VII (Kansas City)	21	3.9
VIII (Denver)	19	3.6
IX (San Francisco)	114	21.5
X (Seattle)	44	8.3
	531	100.0

[1] Actual number of respondents answering (or not answering) the question (i.e., 80 paralegals who returned the questionnaire work in Region I).

[2] The ratio of numbers to the total number of returned questionnaires in a particular category.

Paralegals are also heavily concentrated in certain states--Arizona, California, Florida, Georgia, Illinois, Massachusetts, Michigan, New York, New Jersey, Pennsylvania, and Washington. This concentration seems to result from one or more of the following factors:

1. The state contains one or more large city projects;
2. Large urban projects are usually better financed than rural projects serving similar populations;
3. Urban areas attract more people in the 21 to 30 age group--the primary age group of Legal Services paralegals;
4. The urban projects in these states seem to be more fortunate in finding alternative funding for paralegal job positions;
5. Some projects within these states are located in areas which have high unemployment rates. Therefore, they qualify for Comprehensive Employment and Training Act (CETA) and other manpower funds.

Twenty-three percent of the respondents work in projects with only one office, while 49.9 percent work in projects with four or more offices. One-office projects constitute 44.9 percent of all projects, whereas projects of four or more offices make up only 26.9 percent; obviously the paralegal population is skewed toward larger projects.

Sex and Age

Of the 531 paralegals responding to the 1975 questionnaire, 43.7 percent (230) were male and 56.3 percent (296) were female.* These figures deviate only 5 percent from the male-female population of the United States. However, these percentages are in sharp contrast to the overwhelmingly female paralegal population of the private sector.

All regions do not, however, have a representative proportion of males and females. Females represent 66.7 percent of the paralegal population in Region VII; 65.9 percent in Region II; and 63.2 percent in Region VIII. Only Region X has a substantially higher percentage of male paralegals (56.8 percent).

Paralegals are young; 63.4 percent are 30 years of age or younger and 85 percent 40 years of age or younger. The following table, which breaks down the number as well as percentage of paralegals according to age group, shows that the largest single group of paralegals is in the 21 to 30 age bracket.

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*People were not requested to identify their sex on the questionnaire; as a result, five people whose sex could not be determined by their names were not included in these percentages.

	Frequency			
Age	Absolute	Relative	Adjusted[1]	Cumulative Adjusted[1]
		(Percent)		
Under 21	18	3.3	3.4	3.4
21-30	317	59.7	60.0	63.4
31-40	114	21.5	21.6	85.0
41-50	45	8.5	8.5	93.6
51-60	20	3.8	3.8	97.3
61 & up	14	2.6	2.7	100.0
No response	3	0.6	--	--
	531	100.0	100.0	

[1] Adjusted frequency shows percentages excluding the "no response" category. Cumulative adjusted frequency shows the total percentages below each category; e.g., 85 percent are age 40 or below.

A few regions deviate substantially from the above percentages. Regions IV and X have 70.5 percent and 68.1 percent, respectively, of the paralegals in the 21 to 30 age group. Regions II, V, and VIII have a larger proportion of paralegals in the 41 to 61 and over age bracket.

It is interesting to compare the male and female distributions to the age distribution. Females are more heavily represented in the under 21, 31 to 40, and 41 to 50 age groups than are male paralegals. Male paralegals, on the other hand, are more heavily represented in the 51 to 60 and 61 and over age groups. There are two possible reasons for this. First, while young people are willing to accept both the limited salaries and the limited upward mobility which characterize Legal Services paralegal jobs, males seem less willing to accept these conditions once they reach their thirties. Females, on the other hand, especially those over 30 years of age, may be reentering the job market after marriage and children and thus may be more willing to take lower salaries.

Although low salary and low upward mobility characterize paralegal work in both the public and private law sectors, the attitude that paralegal work is "female" is almost non-existent. Perhaps an important element of job satisfaction for both male and female paralegals in the public sector is the direct client contact and responsibility for the work product. Such contact and responsibility is rare in private law firms.

Female paralegals seem to work for Legal Services projects longer than male paralegals with one exception. Male paralegals who have worked 5 years or longer slightly outnumber female paralegals in that category, both as paralegals and in other capacities before being classified as paralegals.

Ethnic Background

Most of the paralegals responding to the 1975 questionnaire were Caucasians, Blacks, and Chicanos.* This is not surprising, considering the general population statistics, although Blacks, who constitute 9.01 percent of the general population, represent 21.1 percent of the paralegal population.

Ethnic Background	Frequency		
	Absolute	Relative (Percent)	Adjusted
Black	109	20.5	21.1
Spanish	25	4.7	4.8
Chicano	34	6.4	6.6
Caucasian	301	56.7	58.3
Indian	14	2.6	2.7
Oriental	6	1.1	1.2
Mexican	5	1.0	1.0
Other	22	4.2	4.3
No response	15	2.8	--
	531	100.0	

Ethnic group representation is not evenly distributed across the regions. Blacks represent 28.6 percent of the paralegal population in Region VII; 28.9

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*"Chicanos" are Mexican-Americans whose background is part Mexican-Indian and part Mexican-Spanish. "Mexicans" are Mexican-Americans with no Indian background. Both Mexicans and Chicanos consider themselves to be of different ethnic backgrounds than "Spanish" people who are, in this survey, primarily Puerto Rican and Argentinian Spanish-speaking people.

percent of the paralegal population in Region III; 32.6 percent of the paralegal population in Region II; and 42.9 percent of the paralegal population in Region V. Furthermore, 27.5 percent of the total Black paralegal population is concentrated in Region IV. White paralegals are highly concentrated in Region X, where they constitute 85.7 percent of the paralegal population. Paralegals who said they were of Spanish origin are concentrated in Region II (New York, New Jersey, and Puerto Rico), where they represent 25.6 percent of the paralegal population. Almost half (44 percent) of the total number of Spanish-origin paralegals are employed in that region. Chicanos and Mexicans are concentrated in Regions VI, VIII, and IX, where they constitute 13 percent, 61.2 percent, and 17 percent, respectively, of those regions' paralegal populations. Programs in Region IX employ 47.1 percent of the Chicano and 40 percent of the Mexican paralegals.

Only 14 Indians responded to the questionnaire; 71.4 percent work in Region IX, where they constitute 9.4 percent of the paralegal population.

In relating ethnic groups to sex, it is interesting to note that most ethnic groups are close to the norms; that is, males constitute approximately 44 percent and females approximately 56 percent of the paralegals in each ethnic group. Exceptions are the Chicanos, where females constitute 69.7 percent of that group's paralegal population, and the Indians, where males constitute 78.6 percent of that group's paralegal population. It is not clear why this is so for the Chicanos. For the Indians, it may be attributable to high unemployment on the Indian reservations.

EDUCATIONAL BACKGROUND

General Education

While a high level of formal education is not a prerequisite for paralegal employment in Legal Services projects, paralegals are, nevertheless, highly educated. As indicated below, 85.5 percent of the paralegals have had some college education; 48.1 percent have completed college; and 13 percent have either completed graduate school or had some graduate work.

Highest Level Achieved	Absolute Frequency	Adjusted Frequency Percent	Cumulative Adjusted Frequency (Percent)
Grade School	1	0.2	0.2
Some High School	13	2.5	2.7
High School	62	11.9	14.5
Some College	157	30.0	44.6
Junior College	38	7.3	51.8
College	180	34.4	86.2
Postgraduate Studies	54	10.3	96.6
Masters Degree	12	2.3	98.9
Masters Degree+	6	1.1	100.0
Unknown	8	--	--
	531	100.0	

Some interesting observations can be made concerning the educational statistics. In general, male paralegals are somewhat more educated than female paralegals. Females, who constitute 56.3 percent of the paralegal population, constitute 61.5 percent of those who only completed some high school and 67.7 percent of those who completed high school. Males comprise only 38.5 percent of those having less than a high school diploma. On the other hand, males, who constitute 43.7 percent of the total paralegal population, constitute 51.7 percent of those who finished college. For those with more than a college education, the proportion of males and females is about the same as in the overall paralegal population.

Certain age and ethnic groups tend to have completed higher levels of formal education. College-educated people, including those with graduate degrees, constitute

74.2 percent of the 21 to 30 age group and 37.9 percent of the entire paralegal population. In other words, over one-third of the paralegal work force are college-educated people between the ages of 21 and 30. The level of formal education drops sharply after the age of 30, perhaps a reflection of the increased accessibility to college in the past decade.

White paralegals have had more formal education (38.7 percent have completed college or gone beyond) than paralegals belonging to minority groups, although a large portion of each minority group has completed high school, has had some college, or has completed junior college. Perhaps this reflects the fact that college-educated minority group members have more employment options than white college graduates.

Formal Paralegal Education

Although few educational programs offer courses directly related to Legal Services work, 12.3 percent of the paralegal respondents have been or are now attending a college-based paralegal program. Of these, 5.5 percent have completed such a program.

Law School

Thirty-five paralegals, or 6.6 percent of the paralegals employed by the projects, are attending, have attended, or have completed law school. Eight people who are attending or who have attended law school and two who have completed law school are labeled "legal interns." The remainder, including seven who have completed law school, have been hired as "paralegals."

OCCUPATIONAL STATUS OF PARALEGALS

Job Titles: A Mode of Self-Perception

Paralegals were asked to give their job titles. The job titles they listed were so numerous that, for statistical purposes, they were fitted into the job categories listed below.

Job Title	Absolute Frequency	Relative Frequency (Percent)	Adjusted Frequency (Percent)
Administrator	4	0.8	0.8
Community Worker	11	2.1	2.1
Counselor	6	1.1	1.1
Indian/Tribal Advocate	8	1.5	1.5
Intake Interviewer/ Clerk	1	0.2	0.2
Interviewer	5	0.9	1.0
Investigator	8	1.5	1.5
Legal Intern/Law Student	15	2.8	2.8
Paralegal	440	82.8	83.5
Secretary/Clerk/ Office Manager	28	5.3	5.3
Other	1	0.2	0.2
No Response	4	0.8	--
	531	100.0	100.0

The job title and concept of "paralegal" is by no means either universally understood or accepted. Job titles for persons clearly fitting into the category of "paralegal" or "legal assistant" were often written as "specialist" with a specific specialty area listed in front such as "welfare specialist." While the job title for 83.5 percent of the respondents was somewhat related to their job activities, 17.1 percent perceived themselves, or their project directors perceived them, to be something other than paralegals. The classification of "secretary" was most frequent for this group. However, all those who classified themselves as "clerical" were performing paralegal functions.

Previous Experience with the Project

Before becoming paralegals, 22.7 percent of the respondents were employed at the project in another capacity. Most, 68 percent, were secretaries.or clerks. Former clerical employees constitute 15.4 percent of the paralegal population.

Although they make up only a small proportion of the paralegal population, 3.7 percent of those who listed their previous job title as "secretary," also listed their current job title as "secretary." This could indicate that they are still considered secretaries because many of their job duties are heavily secretarial and clerical. These paralegal/secretaries might also be in "secretarial" job slots in the project budget.

Former Job Title	Absolute Frequency	Relative Frequency (Percent)	Adjusted Frequency (Percent)
Community Worker	8	1.5	6.6
Counselor	2	0.4	1.7
Intake Interviewer/ Clerk	2	0.4	1.7
Interviewer	5	0.9	4.1
Investigator	7	1.3	5.8
Legal Intern/Law Student	1	0.2	0.8
Secretary/Clerk/ Office Manager	82	15.4	67.7
Social Worker	1	0.2	0.8
Other	13	2.4	10.7
No Response (not employed in any other capacity)	410	77.3	--
	531	100.0	

Length of Time in Paralegal Position

While 51 percent of paralegals have been working either as paralegals or in some other capacity for less than a year, 68.6 percent of those who have worked exclusively as paralegals have been employed for less than a year. The table below illustrates that the vast majority of paralegals have been employed in Legal Services projects for a relatively short time. This is not to imply that paralegals have a rapid turnover rate. Since the total number of paralegals has doubled in 2 years, it follows that many are holding newly created positions.

	Length of Time with Project			Length of Time Employed as Paralegal		
Period of Time	Absolute Frequency	Adjusted Frequency	Cumulative Adjusted Frequency	Absolute Frequency	Adjusted Frequency	Cumulative Adjusted Frequency
		(Percent)			(Percent)	
1 to 6 months	142	27.3	23.7	167	32.0	32.0
7 to 12 months	123	23.7	51.0	145	27.8	59.8
13 to 18 months	46	8.8	59.8	46	8.8	68.6
19 to 24 months	38	7.3	67.1	42	8.0	76.6
25 to 30 months	21	4.0	71.1	15	2.9	79.5
31 to 36 months	36	7.0	78.1	39	7.5	87.0
37 to 48 months	48	9.2	87.3	33	6.3	93.3
49 to 60 months	12	2.3	89.6	6	1.1	94.4
Over 60 months	54	10.4	100.0	29	5.6	100.0
No response	-11	--	--	9	--	--
	531	100.0		531	100.0	

There are significant age variations in connection with length of employment. Of those who have worked for less than a year, 57.1 percent are within the 21 to 30 age group. Only 28.2 percent of this age group has worked in a Legal Services project for more than 2 years. On the other hand, 63.3 percent of the 31 to 40 age group, 31.9 percent of the 41 to 50 age group, 45 percent of the 51 to 60 age group, and 42.8 percent of the 61 years and older age group have been with a Legal Services project for over 2 years. It is not clear whether this represents a shift in project hiring practices or greater job stability on the part of older paralegals.

The other major deviation is in the ethnic background statistics. Whereas only 15.7 percent of the Caucasian paralegals have been on the job longer than 2 years, 37.4 percent of the Blacks, 38.4 percent of the Spanish origin, 35.2 percent of the Chicano, 60 percent of the Mexican, and 34.3 percent of the Indian paralegals have been with a project for over 2 years. Again, it is impossible to say whether this reflects hiring patterns or ethnic differences in job stability.

Work Status and Source of Funds

The 1975 questionnaire asked paralegals if they were full time or part-time employees and if they were paid, exactly how much of a salary they received. These questions, particularly the one concerning salaries, provoked the greatest number of "no responses." Thus while the information obtained may not be representative of the entire group, it still is thought-provoking.

Over 80 percent of the paralegals responding to the question concerning work status and salary are employed full time. This suggests that, within the last year, projects have tended to rely more heavily on full-time, salaried personnel for paralegal employees than in previous years.

The chart below indicates the work status of those paralegals who returned the questionnaire, regardless of whether they answered the salary related questions.

Work Status	Frequency Absolute	Relative (Percent)	Adjusted (Percent)
Full-time:			
salaried	446	84.0	85.9
nonsalaried	4	.8	.8
salary status unknown	30	5.6	5.8
Part-time:			
salaried	14	2.6	2.7
nonsalaried	22	4.1	4.2
salary status unknown	3	.6	.6
Work and salary status unknown	12	2.3	---
	531	100.0	100.0

Most projects appear to rely heavily on outside funding sources to support their full time paralegal staff. Of those paralegals who identified the funding source for and actual amount of their salary, a large percentage are paid in whole or in part by sources other than CSA Legal Services funds. These non-Legal Services funding sources do not tend to be permanent. Thus, paralegals being paid out of VISTA, University Year in Action (UYA), and CETA funds will probably have a high turnover rate. (See chart on following page.)

Several other observations can be made regarding funds for salaries in relation to sex, age, race, and ethnic origin.

Most people paid out of project funds are in the 21 to 30 age bracket (53.3 percent). Also members of minority groups represent 51.2 percent of those paid out of project funds. Caucasian paralegals represent 58.3 percent of the paralegal population, but only 48.8 percent are paid out of project funds.

VISTA volunteers are generally (72.7 percent) in the 21 to 30 age group and Caucasian. Only 18.9 percent of VISTA volunteers are minority group members, half of whom are Black.

Individuals paid out of senior citizen funds are mainly female (75 percent), Caucasian (75 percent), and young (62.5 percent are in the 21 to 30 age group). Only 12.5 percent of paralegals paid by senior citizen funds are 51 years of age or older.

Source of Funds for Major Portion of Salary	Frequency Absolute	Relative (Percent)	Adjusted	Absolute Frequency*	Average Salary from Each Salary Source
Project (CSA) funds	246	46.3	51.5	233	$ 6,853.48
VISTA funds	77	14.5	16.1	79	2,762.48
UYA funds	13	2.4	2.7	14	2,196.71
Senior citizen funds	8	1.5	1.7	11	3,796.46
CAP funds	1	0.2	0.2	1	10,000.00
CETA funds	60	11.3	12.6	58	6,870.78
Other Sources (City, State)	52	9.8	10.9	54	6,896.33
Source Unknown	21	4.0	4.4	23	7,610.70
No Response	26	4.9	--	--	---
Non-Salaried	27	5.1	--	26	---
	531	100.0	100.0		$ 6,313.73 (Average Salary)

*A total absolute frequency in this column is not relevant for two reasons. First, many people who identified the source of their salary did not give their salaries. For example, 60 people indicated that they were paid with CETA funds but only 58 of these gave the dollar amount of their salaries. Many people are paid through more than one funding source. For example, although only 8 people reported that senior citizen funding was the major source of their salaries, 11 are receiving at least part of their salaries from senior citizen funds. Thus, three people paid out of senior citizen money are also being paid through another source.

Individuals paid out of CETA funds are underrepresented in the 41 and over age groups; only 5.1 percent of this group are paid with CETA money. By contrast, 66.1 percent of CETA paralegals are in the 21 to 30 age group. Racial distribution of CETA paralegals is proportionate to the distribution in the paralegal population as a whole.

Job Functions and Specialties

Paralegals perform many functions. An examination of the number and percentages of paralegals who perform the 13 specific job functions listed on the chart on the following page illustrates a somewhat troubling pattern of utilization.

Paralegals were asked whether they performed certain functions regularly or frequently, sometimes, seldom, very rarely, or never.

Their responses revealed that paralegals are heavily used in conducting intake eligibility interviews; interviewing clients; counseling and referral work; and performing basic counseling, secretarial, clerical, and communication functions. This is not a surprising combination of functions since paralegals who conduct eligibility and general intake interviews (a large percentage of the paralegal population) are in a position

JOB FUNCTIONS	Regularly & Frequently		Sometimes		Seldom		Checked Only *		Very Rarely or Never	
	Absolute Frequency	Adjusted Frequency (Percent)	Absolute Frequency	Adjusted Frequency (Percent)	Absolute Frequency	Adjusted Frequency (Percent)	Absolute Frequency	Adjusted Frequency (Percent)	Absolute Frequency	Adjusted Frequency (Percent)
Conduct initial intake interview to determine eligibility	324	61.0	87	16.4	28	5.3	4	0.8	88	16.0
Interviewing clients	416	78.3	69	13.0	7	1.3	7	1.3	32	6.0
Legal research	87	16.4	177	33.3	94	17.7	4	0.8	169	31.8
Legal drafting	92	17.3	110	20.7	67	12.6	3	0.6	259	47.8
Counseling clients, other than referrals to other community services	237	44.6	142	26.7	46	8.7	4	0.8	102	19.2
Referring clients to other community services	230	43.3	177	33.3	46	8.7	2	0.4	76	14.4
Investigations for facts, witnesses, etc.	189	35.6	141	26.6	56	10.5	5	0.9	140	26.3
Negotiating with government agencies or other parties to a grievance	224	42.2	114	21.5	36	6.8	3	0.6	154	29.0
Representing clients at fair hearings	194	36.5	61	11.5	40	7.5	3	0.6	233	43.9
Basic writing and communication (letter, memo, etc)	387	72.9	71	13.4	15	2.8	6	1.1	52	9.8
Completing standard forms (e.g., for divorce cases, eviction cases, etc.)	203	38.2	94	17.7	60	11.3	3	0.6	171	32.2
Office administration & record keeping	125	23.5	63	11.9	63	11.9	2	0.4	276	52.4
Maintaining the law library	65	12.2	42	7.9	46	8.7	1	0.2	377	71.0
Other (i.e. community education, legislative research, etc.)	62	11.7	16	3.0	2	0.4	3	0.6	448	84.4

*Since some paralegals just placed a check beside the functions they performed, the responses that were only checked, and thus the frequency not specified, are listed in a separate column.

to perform such counseling tasks as referring clients to other community resources, teaching them how to deal with minor or nonlegal problems, or telephoning the welfare department or a landlord. However, the finding that 61 percent of the paralegals conduct eligibility interviews on a regular basis (even though 51 percent of them have been working in the projects 1 year or less) indicates a general pattern of underutilization of paralegal talent.

Paralegals, however, may be overutilized as client interviewers--78.3 percent of them frequently do such interviews--when one considers that intake interviewers need a broad background in substantive law in order to recognize legal issues. Only slightly more than 40 percent of the paralegals responding to the survey have been employed in projects as paralegals for more than 1 year and a great majority are untrained in interviewing skills or in substantive areas of the law. Generally, paralegals without training in several areas of substantive law are ill-equipped to identify the nature of a legal problem and the legal issues involved. Furthermore, many low-income clients cannot articulate the exact nature of their problem and often have multiple legal problems. An undertrained paralegal interviewing such a client risks overlooking potentially serious problems or misperceiving the nature of these problems. Utilizing untrained or inexperienced paralegals for intake interviewing can have serious effects on the quality of legal services. (See section II for a discussion of models of paralegal functions.)

As the chart on the following page indicates, paralegals "specialize" primarily in the following areas: public benefit programs (32.3 percent), general law (29.4 percent), divorce law (17.1 percent), interviewing (17.1 percent), and housing/landlord-tenant law (15.1 percent). NPI recognizes that interviewing clients, investigation work, legal research, and general law are not legal specialties. However, since many project directors listed these areas as paralegal "specialties" on the questionnaires returned in 1974, they were also listed on the 1975 questionnaire sent to paralegals.

Of the 509 paralegals who indicated a specialty, 37.6 percent could not be considered specialists because they either indicated as their specialty a skill, e.g., "community education," secretarial duties, or indicated that they were generalists. However, 58.1 percent reported that their primary specialty was in an area of

SPECIALTY	First Specialty		Second Specialty		Third Specialty		Checked Specialty		Total Number of Paralegals	Percentage of Paralegals
	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)		
Bankruptcy	7	1.3	6	1.1	3	0.6	1	0.2	17	3.2
Community educ./org./public relations	12	2.3	22	4.1	17	3.2	2	0.4	53	10.0
Criminal (pre-conviction)	3	0.6	3	0.6	2	0.4			8	1.5
Consumer	5	0.9	9	1.7	10	1.9			24	4.5
Divorce	62	11.7	14	2.6	9	1.7	6	1.1	91	17.1
Domestic relations	18	3.4	39	7.3	11	2.1	5	0.9	73	13.7
Department of Motor Vehicles	4	0.8	2	0.4	1	0.2	1	0.2	8	1.5
Employment	6	1.1	15	2.8	7	1.3	3	0.6	31	5.8
Farm worker problems	6	1.1	1	0.2	2	0.4			9	1.7
Health (food & nutrition; mental health, etc.)	10	1.9	12	2.3	6	1.1	4	0.8	32	6.0
Housing; landlord-tenant	28	5.3	31	5.8	18	3.4	3	0.6	80	15.1
Immigration	3	0.6	3	0.6	1	0.2			7	1.3
Indian/tribal law	8	1.5			1	0.2			9	1.7
Interviewing	30	5.6	23	4.3	29	5.5	9	1.7	91	17.1
Investigation	5	0.9	9	1.7	9	1.7	2	0.4	25	4.7
Juvenile	6	1.1	1	0.2	3	0.6			10	1.9
Legal research	3	0.6	11	2.1	9	1.7			23	4.3
Post-conviction remedies & constitutional law	1	0.2	1	0.2	1	0.2			3	0.6
Public Benefit (AFDC, GA, food stamps, etc.)	113	21.3	29	5.5	21	4.0	9	1.7	172	32.3
Secretarial and/or clerical and/or office management	20	3.8	12	2.3	8	1.5	6	1.1	46	8.7
Senior citizen problems	10	1.9	7	1.3	4	0.8			21	4.0
Generalist	142	26.7	7	1.3	6	1.1	1	0.2	156	29.4
Other	7	1.3	7	1.3	2	0.4	2	0.4		3.4

substantive law. Of those, 36.6 percent specialize in public benefit programs or administrative law. The other major areas of substantive law specialization are divorce law and landlord-tenant law.

Only 10.3 percent of the entire paralegal population specializes in a single area of law. Some of the reasons for the small number of genuine specialists are discussed below.

1. Only the large projects with many offices normally set up specialty units. Paralegals generally work in projects with one to four offices; these smaller projects do not have the personnel, finances, resources, or caseload to justify setting up specialty units. Personnel in smaller projects (paralegals and lawyers) tend to be generalists.
2. Because of a severe shortage of clerical staff, paralegals often have to perform the basic clerical duties necessary for an office to function properly.
3. Lawyers do not have the time to adequately train paralegals so that they can function effectively in a specialty.

In the area of public benefit law, Federal regulations permit paralegals to represent clients at administrative hearings. The table below indicates the number of paralegals who represent clients at specific types of administrative hearings.

Type of Hearing	Frequency		
	Absolute*	Relative	Adjusted
		(Percent)	
Social Security	68	12.7	30.4
Public Housing	14	2.7	6.3
Divorce	25	4.7	11.2
Domestic Relations	6	1.2	2.7
AFDC	145	27.3	65.0
Food Stamps	77	13.4	34.5
Medicare/Medicaid	5	1.0	2.2
Unemployment Compensation	52	9.8	23.3
SSI	62	11.7	27.8
Immigration	3	0.6	1.3
Indian/Tribal Court	4	0.8	1.8
Health	1	0.2	0.04
DMV	5	1.0	2.2
Preconviction	2	0.4	0.01
Postconviction	1	0.2	0.04
Other	27	5.1	12.1

The table shows that paralegals are used heavily to represent clients in Aid to Families with Dependent Children (AFDC) hearings; 27.3 percent of the entire paralegal population and 65 percent of the paralegals who represent clients at administrative hearings do so at AFDC hearings. Paralegals also regularly represent clients at social security, food stamp, and unemployment compensation hearings. While only 36.5 percent of the entire paralegal population represent clients at hearings, those who do handle an average 6.3 hearings a month. Thus the paralegals who returned the questionnaire appear at over 14,000 hearings a year.

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*Only the paralegals who indicated the types of hearings at which they regularly represent clients are counted on the chart in column 1. The percentage of the whole paralegal population who represent clients at each type of hearing is listed in column 2. The percentages in column 3 indicate the ratio of paralegals who represent clients at each type of hearing to paralegals who represent clients at all types of hearings.

Two conclusions can be drawn regarding the use of paralegals at administrative hearings. First, at least 14,000 people a year obtain representation which might otherwise have been difficult to receive. Second, lawyers can divert their energies from these cases to cases requiring their special attention. (Because only half of Legal Services paralegals responded to the questionnaire, a projection of the data indicates that paralegals might conduct as many as 28,000 hearings a year.)

TRAINING

Sources of Training

NPI's questionnaire inquired about all forms of training, including on-the-job training by project staff. It also asked paralegals to distinguish between such training and mere supervision. This information should be combined with data from the project directors' survey in which 80 percent of the projects reported that they did not have qualified trainers on their staff. This suggests that "in-house" training is not of high quality.

A disturbing proportion of paralegals--29.4 percent--have had no training. Adding those whose only training is "in-house," there are 52.6 percent who have had either no training or no training provided by outside trainers.

Of those who received in-house training, the average amount was 62 hours, or about 8 days.

	Frequency	
Types of Training	Absolute	Relative (Percent)
No structured training	53	10.0
In-house by staff personnel only	123	23.2
In-house by outside personnel only	12	2.2
Elsewhere only	81	15.2
No training except case supervision	103	19.4
In-house by staff and outside personnel	28	5.3
In-house by staff and elsewhere	93	17.5
In-house by outside personnel and elsewhere	9	1.7
In-house by staff and outside personnel and elsewhere	29	5.5
	531	100.0

Outside training, at intensive training conferences such as those offered by NPI, as well as formal institutional paralegal and legal training, has been received by only 40 percent of the respondents. Outside training was the sole form, apart from case supervision and review, for 15.2 percent of the responding paralegals. Paralegals receiving outside training received an average of 64 hours of such training (roughly the equivalent of 2 college courses of 1 semester or 1 NPI training program).

In-house training by outside trainers is unusual, having been received by only 9.2 percent (49) of the paralegals and by only 2.2 percent as their sole form of training. The average number of hours for this form of training is 44.

Multiple forms of structured training have been received by 29.9 percent of the paralegals. The most frequent combination was staff training and outside forms of training, received by 17.5 percent of the paralegals.

Case supervision which may optimistically be viewed as unstructured training, was the sole mode of training for 19.4 percent of the responding paralegals. Paralegals in this category received about 14 hours of supervision weekly.*

Of the 10 percent of the paralegals receiving no training, not even structured case supervision, 44.2 percent have been employed by their projects as paralegals for 6 months or less. On the other hand, 28.9 percent of this group have been working at their projects for more than a year. Of the 103 (19.4 percent) paralegals who have received only case supervision, 35 percent have been at their projects as paralegals for 6 months or less; however, 31 percent of them have been working for more than a year. Thus, there are a substantial number of paralegals who have been on the job with no training for a considerable time.

Since the need for training was almost universally recognized by project directors (see pp. 26-28), it is probable that this deficiency results from the inability of many projects to deliver any form of training.

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*This figure seems extremely high, since few attorneys have time for almost 2 days of supervision each week. Perhaps the paralegals have an expanded view of "supervision."

Areas of Training Available to Paralegals

Paralegals need a great deal of training in skills, legal concepts, and substantive law in order to provide quality legal services to their clients. However, paralegal training seems to be geared primarily toward the areas of skills and office administration. As reported above, most paralegals must rely on their projects as their primary source of training. However, to supplement training received during their employment, an increasing number of paralegals are receiving training from other sources: short-term training seminars, lasting 1 or 2 days, offered through community education programs, colleges, and universities; intensive training conferences, such as those once offered by Dixwell Legal Rights and now by NPI; courses in paralegal studies offered by colleges, universities, or proprietary paralegal training schools, and classes offered by law schools. Following is a description of the training paralegals receive in skills, office administration and function, legal concepts, and substantive law.

Skills Training

Paralegals receive more training in skills, especially interviewing techniques, than in any other area. This is largely because most paralegals conduct intake eligibility and general intake interviews (84 and 94 percent, respectively).

Although 68 percent of the paralegals have received some training in interviewing, 32 percent have received no such training and another 35.6 percent must rely on outside forms of training to obtain or supplement their interviewing skills. As the following chart indicates, this is also true for every other area of skills training and development. In other words, a greater percentage of paralegals must rely on these outside sources, instead of on their project's resources, either to obtain any skills training or to supplement skills training obtained through project training sessions. The exceptions are basic writing and communication, where 22.6 percent of the paralegals are trained solely by their projects. However, it should be noted that, although 72.9 percent of the paralegals perform basic writing and communication tasks, only 41.6 percent of them have been trained in even this fundamental area. The survey reveals that 56.1 percent of the paralegals represent clients at least sometimes at administrative hearings and that 36.5 percent of them

SKILLS TRAINING	No Training		Training Session Given by Project		Outside Training Conferences (1 to 2 days)		Outside Training Conferences (2 days or longer)		Courses in Para-legal Studies Programs		Law School Courses		Multiple Forms of Training	
	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)
Interviewing techniques	170	32.0	148	27.9	36	6.8	75	14.1	18	3.4	7	1.3	77	14.5
Investigation for facts, witnesses, etc.	239	45.0	113	21.3	30	5.6	71	13.4	18	3.4	8	1.5	52	9.8
Negotiation	259	48.8	102	19.2	29	5.5	77	14.5	9	1.7	8	1.5	47	8.8
Advocacy	242	45.6	89	16.8	39	7.3	74	13.9	12	2.3	11	2.1	64	12.0
Representing clients at fair hearings/tribal courts	229	43.1	115	21.7	41	7.7	64	12.1	8	1.5	4	0.8	64	12.1
Basic writing & communication (letters, memos, etc.)	320	58.4	120	22.6	21	4.0	14	2.6	29	5.5	8	1.5	29	4.5
Legal writing	351	66.1	77	14.5	12	2.3	14	2.6	31	5.8	27	5.1	7	1.3
Brief writing	380	71.6	64	12.1	10	1.9	18	3.4	23	4.3	23	4.3	9	1.7
Legal research	263	49.5	98	18.5	16	3.0	56	10.5	28	5.3	27	5.1	43	3.1
Exploring community resources (outreach, referral)	318	59.9	116	21.8	33	6.2	19	3.6	9	1.7	2	0.4	34	6.0

do so regularly. Of those paralegals who have had training in administrative representation, 38 percent were trained in-house and nowhere else; another 38 percent were trained only outside. Since administrative representation (the largest of all paralegal specialists) is a complex and difficult job, paralegals who do it should have both outside, formal training and in-house training and supervision. It is troubling to learn that the majority are not receiving such combined training.

Assuming that, by the projects' own admission, in-house training is not of high calibre, it appears that most paralegals have received no substantial training in any of the skills listed. In every case, close to or more than 50 percent list "no training." Adding those who have had only in-house training raises the total well above 50 percent.

NPI has found that paralegals are quick to report that they have been trained when there is any basis for them to do so. These statistics indicating that there has been no training make it clear that there is a serious lack of skills training.

Office Administration and Function

A certain amount of training about the operation of a Legal Services office is necessary in order for the office to function efficiently. However, the chart on the following page indicates that over 65 percent of the paralegals have received no training in the following areas: law office administration, functioning with attorneys, recordkeeping, using "systems," and basic office psychology.

It is widely believed that paralegals need orientation and training in working with attorneys. The survey revealed that 65.7 percent of the paralegals are receiving no training at all in this area. This situation could result in the ineffective utilization of paralegals by lawyers who are either unable or unwilling to address the existence of paralegals or to offer training on how they expect paralegals to work with them. The mere presence of paralegals within the projects will not result in increased efficiency of legal services delivery. Efficient utilization of paralegals requires careful planning and often a rearrangement of duties within an office. Unless paralegals are effectively educated as to their job functions, both lawyers and paralegals may end up dissatisfied.

In addition, not enough paralegals are being taught to effectively use systems, that is, breaking down a legal task into a series of components. Whether its

OFFICE ADMINISTRATION AND FUNCTION	No Training		Training Session Given by Project		Outside Training Conferences (1 to 2 days)		Outside Training Conferences (2 days or longer)		Courses in Para-legal Studies Programs		Law School Courses		Multiple Forms of Training	
	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)
Law office administration	413	77.6	84	15.8	8	1.5	4	0.8	[illegible]	1.3	5	0.9	10	1.9
Functioning with attorneys	348	65.7	117	22.0	8	1.5	15	2.8	10	1.9	2	0.4	31	5.8
Record keeping	384	72.3	111	20.9	7	1.3	3	0.6	9	1.7	2	0.4	15	2.8
Using "systems" (forms & set guidelines)	358	67.4	123	23.2	9	1.7	8	1.5	12	2.3	1	0.2	20	3.8
Basic office psychology, ways to get along and work effectively	352	63.6	102	19.2	17	3.2	11	2.1	19	3.6	4	0.8	26	4.9

paralegals are generalists or specialists, a project can more efficiently allocate its personnel through use of systems. This is especially true for smaller projects in which the paralegals are usually generalists. These generalists could be utilized far more effectively if they were instructed in using systems to guide them through each case, thereby assuring that all necessary questions were asked and tasks relating to a particular case were performed. The system itself, properly used, can also help identify the skills and training necessary for the paralegal who is utilizing a particular system. More than two-thirds of the paralegals have had no training in systems.

Legal Concepts

Unless a paralegal is only doing eligibility interviewing or doing limited, closely supervised chores for a lawyer, some understanding of legal concepts is needed. It is difficult for a paralegal to work with attorneys and deal with leases, divorces, and the basic categories of law without some grasp of the subjects listed in the chart on the next page. Depending on the subject, from half to three-quarters of the paralegals have had no exposure to legal concepts.

Projects having the time to develop a program in office administration and recordkeeping, though even

LEGAL CONCEPTS	No Training		Training Session Given by Project		Outside Training Conferences (1 to 2 days)		Outside Training Conferences (2 days or longer)		Courses in Para-legal Studies Programs		Law School Courses		Multiple Forms of Training	
	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)
Study of the structure of the legal system	296	55.8	80	15.1	21	4.0	31	5.8	39	7.3	27	5.1	37	6.4
Contracts	376	70.8	51	9.6	14	2.6	14	2.6	28	5.3	35	6.6	13	2.6
Torts	390	73.5	50	9.4	10	1.9	10	1.9	26	4.9	35	6.6	11	2.0
Due process	357	67.2	57	10.7	13	2.4	21	4.0	31	5.8	31	5.8	16	4.2

they are in the minority, should perhaps spend an equal amount of time developing conceptual training programs so that their paralegals will be better able to handle legal, rather than administrative, tasks. Furthermore, training in substantive law without corresponding training in legal concepts can result in a mental collection of legal rules without an understanding of underlying principles.

Substantive Law

The areas of substantive law in which paralegals have received training are as diverse as the paralegals' range of specialties. The chart on the next page indicates that, many paralegals receive training in three areas:

1. Divorce law and domestic relations; 41.4 percent and 36.6 percent, respectively, of the paralegals have received training in these subjects;

2. Housing and landlord-tenant law; 59.1 percent of the paralegals having had training. (It is in this area that the largest number of paralegals received their training solely from project resources);

3. Public benefit programs; 51.9 percent of the paralegals have had training in AFDC law, 42.9 percent in food stamp law, 41.6 percent in Social Security law, 40.1 percent in Supplemental Security Income (SSI) law, and 34.6 percent in Medicare/Medicaid law.

SUBSTANTIVE LAW	No Training		Training Session Given by Project		Outside Training Conferences (1 to 2 days)		Outside Training Conferences (2 days or longer)		Courses in Para-legal Studies Programs		Law School Courses		Multiple Forms of Training	
	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)	Absolute Frequency	Relative Frequency (Percent)
Bankruptcy	413	67.8	70	13.2	14	2.6	6	1.1	12	2.3	9	1.7	7	1.3
Consumer	359	67.6	86	16.2	24	4.5	10	1.9	20	3.8	9	1.7	23	4.3
Social Security	310	58.4	107	20.2	35	6.6	20	3.8	12	2.3	2	0.4	45	8.5
Housing, landlord-tenant	270	40.9	130	24.5	19	3.6	42	7.9	14	2.6	8	1.5	48	9.0
Divorce	311	58.6	119	22.4	10	1.9	33	6.2	12	2.3	11	2.1	35	6.5
Domestic relations	340	64.0	104	19.6	15	2.8	23	4.3	11	2.1	10	1.9	23	5.3
Juvenile	431	81.2	50	9.4	6	1.1	11	2.1	9	1.7	10	1.9	14	2.6
AFDC	255	48.1	115	21.7	32	6.0	58	10.9	11	2.1	5	0.9	55	10.3
Food Stamps	303	57.1	121	22.8	32	6.0	20	3.8	7	1.3	3	0.6	45	8.5
Medicare/Medicaid	347	65.4	92	17.3	30	5.6	11	2.1	8	1.5	3	0.6	40	7.6
Unemployment compensation	377	71.0	88	16.6	26	4.9	10	1.9	7	1.3	2	0.4	21	3.9
Employment	428	80.6	58	10.9	15	2.8	12	2.3	5	0.9	3	0.6	10	1.9
SSI	318	59.9	108	20.3	36	6.8	18	3.4	9	1.7	1	0.2	41	7.7
Immigration	463	77.2	29	5.5	10	1.9	5	0.9	8	1.5	6	1.1	10	1.9
Indian/tribal	499	84.0	15	2.8	15	2.8	6	1.1	3	0.6	4	0.8	1	0.2
Farm worker/migrant	486	91.6	18	3.4	5	0.9	5	0.9	2	0.4	4	0.8	11	2.2
Ethics, unauthorized practice	401	75.5	36	6.8	6	1.1	36	6.8	7	1.3	11	2.1	34	6.4
Health (mental health; food; nutrition)	453	85.3	34	6.4	17	3.2	5	0.9	4	0.8	4	0.8	14	2.6
DMV	528	99.4	3	0.6										
Pre-conviction	528	99.4	1	0.2	1	0.2	1	0.2						
Post-conviction	0	100.0												
Other	505	95.1	7	1.3	3	0.6			8	1.5	3	0.6	5	0.9

In these and other areas, however, most training comes from within the projects. The highest percentage of outside training is in AFDC, where 30.2 percent of the paralegals have had some form of outside training.

Although the total amount of outside training is small, it represents a substantial amount of the training paralegals receive. For example, 50.4 percent of the paralegals trained in landlord-tenant law received their training from outside sources. Even though 51.9 percent (276 paralegals) of the paralegal population have received training in AFDC law, 58.4 percent of these trained paralegals obtained part of their training from outside sources and 38.4 percent have had to rely solely on outside sources for their AFDC training.

It appears that both the paralegals and the projects rely on outside training resources for those areas of law in which the greatest numbers of paralegals specialize. On the other hand, very few paralegals specialize in bankruptcy law, consumer law, Department of Motor Vehicle law, and juvenile law. In these areas, a greater percentage of paralegals receiving substantive training receive it from their projects rather than from outside sources. When one considers that 26.7 percent of the paralegals indicated that their primary specialty was general law, thereby requiring training in several areas of law and that 65.3 percent indicated (in another question) that they needed additional training in their substantive law specialties, it does not appear that outside training is adequate for either generalists or specialists.

Case Review

While not a formal method of training, systematic review of a paralegal's work, when properly implemented and utilized, can be a learning experience for the paralegal as well as a method for controlling the quality of his work. According to the table below, while only 4.1 percent of Legal Services paralegals have no review of their work, 61.4 percent have their work reviewed only on an "as-needed" basis. Thus, about two-thirds of the paralegals receive no systematic review of their work on even a weekly basis. While one cannot assume that review "as-needed" is always inadequate, it is disturbing to find it is the prevalent method, particularly when so many paralegals are relatively inexperienced.

Frequency of Work Review	Frequency	
	Absolute	Relative (Percent)
None	22	4.1
After each case or assignment	53	10.0
Daily	42	7.9
Weekly	41	7.7
Biweekly/Monthly	17	3.2
As needed	326	61.4
Other	30	5.7
	531	100.0

Only 25.6 percent of the paralegals report that their work is reviewed either after each assignment or on a daily or weekly basis. It is probable that systematic review has more of a training nature than does review "as-needed."

Of the 53 paralegals who indicated that they had received no training, 7.5 percent also reported having had no review of their work and 60.4 percent reported that their work was only reviewed on an "as-needed" basis. Furthermore, among the 103 paralegals whose only training has been case-by-case supervision, 3.9 percent reported no review of their work and 57.3 percent reported that their work was reviewed only on an "as-needed" basis.

It is interesting to relate the statistics on frequency of work review to paralegals' perceptions of their need for further training. An overwhelming majority (90.5 percent) of the paralegals indicated that they needed further training, with 55.8 percent having such needs in more than one of the major three areas of skills, legal concepts, and substantive law specialties. Among the 4.1 percent of paralegals reporting no review of their work, 90.5 percent reported a need for further training either in skills, legal concepts, or substantive specialties while 61.9 percent of such paralegals reported training needs in all three areas. Furthermore, among the 29.1 percent of the paralegals reporting training needs in all three areas, 3.4 percent reported no review of their work and 58.5 percent reported that their work was reviewed on an "as-needed" basis.

In general, it appears that too many paralegals with major training needs are getting either an unsystematic review of their work or no review at all. While all paralegals' work should be reviewed, systematic review is essential for those paralegals who have had limited or no training as well as for the majority of paralegals who feel they have major training needs.

Need for Further Training

As previously noted, an overwhelming majority of the paralegals asserted that they needed further training. Most expressed a need for further training in the following areas: skills training, 57.2 percent; legal concepts, 54 percent; and substantive law in specialty areas, 64.2 percent. While strong needs are expressed for training in each area, the chart on the next page indicates that training in substantive law specialties is perceived as the greatest need.

The ranking of training needs is as follows: (1) training in substantive law specialties; (2) skills training; and (3) training in legal concepts. The high percentage of paralegals who feel they need further training is not surprising considering the number of paralegals who have received no training either in skills or in concepts as well as the number of paralegals who have received their training in substantive law outside the project. These factors coupled with the small percentage of paralegals whose work is systematically reviewed only emphasizes the paralegals' own feelings that they are not, as a rule, receiving adequate training in a consistent, structured manner.

Need for Training	Frequency		
	Absolute	Relative	Adjusted
		(Percent)	
No need for further training	48	9.0	9.5
Skills	53	10.0	10.5
Legal concepts	50	9.4	9.9
Substantive law	72	13.6	14.3
Skills, legal concepts	30	5.6	5.9
Skills, substantive law	59	11.1	11.7
Legal concepts, substantive law	46	8.7	9.1
Skills, legal concepts, substantive law	147	27.7	29.1
No response	26	4.9	--
	531	100.0	100.0

The need for more paralegal training is also evidenced from the percentage of paralegals who have not received any training, except case supervision, despite being employed as paralegals for a substantial period of time. Of the 122 paralegals who indicated that they had been employed with the projects as paralegals for 25 months or longer, 9 percent indicated that they had received no structured training whatsoever, not even case supervision, and 13.9 percent had been trained only through case supervision. This contrasts sharply with the fact that 65 percent of the paralegals who have been employed with projects for 12 months or less (a group representing 51 percent of the paralegal population) have received at least some structured in-house training. Furthermore, 25 percent of this latter group have received multiple forms of structured training. While it might not seem unusual that 35 percent of the paralegals who have been employed for less than a year have not received any structured training, not providing training to paralegals who have been employed for at least 2 years is hard to justify.

In addition, paralegals in the 21 to 30 age group have had more opportunities for structured training than their older counterparts. However, the percentage of paralegals in the 61 and older age group (of whom 42.2 percent have been employed less than a year) who have received structured training is greater than in the remaining age groups. While 42 percent of the 61 and over age group (and 50.7 percent of the 21 to 30 age group) have received some structured training, only 28.1 percent of the 31 to 40 age group, 28.9 percent of the 41 to 50 group, and 31 percent of the 51 to 60 age groups have received such training.

Outside training has been a popular method for training older paralegals. So while only 39.5 percent of the paralegals in the 21 to 30 group, 34 percent in the 31 to 40 group, and 44 percent in the 41 to 50 age groups have been provided with outside training opportunities, 70 percent of the paralegals in the 50 to 60 age group and 64.2 percent in the 61 and over age group have had such training opportunities.

These statistics, as well as others, indicate that the trend has been to provide fairly substantial opportunities for the younger, more recently hired paralegal while at the same time neglecting to provide proportionate training opportunities for the older paralegal. While the experience level of older paralegals may indicate that this group has less of a need for training than the younger paralegals, 27.6 percent of the paralegals over 40 have received either no training or only case-by-case supervision, a situation which should not exist in any age group.

There is also evidence that Chicano and Spanish-origin paralegals have received insufficient training. Members of these groups have not been given the training that has been distributed proportionately among the other ethnic groups in relation to the percentage they represent among the paralegal population. Thus, although only 5 percent of the Spanish-origin population reported having received no training, 32 percent of the Chicano and Spanish-origin population have only been given case supervision. This sharply contrasts with the general paralegal population, of which only 19.4 percent is trained solely by case supervision. Perhaps an overuse of Spanish-speaking paralegals for translation and intake eligibility work accounts for their greater general lack of structured training.

PARALEGAL TURNOVER

Although many paralegals are undertrained and underpaid, of those paralegals who are not in VISTA and not attending law school, 68 percent indicated that they are planning to stay at the project indefinitely. Another 19.5 percent indicated that they plan to remain with the project for at least a year; 5.1 percent said they plan to stay for less than 1 year; and only 4.9 percent announced that they would soon be leaving.

The turnover rate among VISTA volunteers, however, is substantially higher than for non-VISTAs; 71 percent of VISTA personnel who responded to the questionnaire are planning to leave the project when their VISTA assignment is over. Whether the 29 percent of the

VISTA personnel who expressed a desire to remain with the projects will in fact remain, will be determined largely by financial considerations.

Law school seems to hold an attraction for both VISTA and non-VISTA paralegals; 17 percent of the paralegals who returned the questionnaire indicated they were planning to attend law school within the next 2 years, and 3.4 percent indicated that they would soon be leaving the project to attend law school. Three paralegals who are completing law school are planning to leave the project, although another three are planning to remain. Finally, 23 paralegals are planning to leave the project within a year to return to school.

The table on the next page lists the plans of those paralegals who indicated that they would be leaving the project.

While it is difficult to ascertain whether the 26.4 percent turnover rate characterizing the above group also characterizes the entire paralegal population, the turnover rate does point to one significant fact: projects rely on large numbers of transient personnel; i.e., law students and VISTA volunteers. This practice will result in a high turnover rate until steps are taken to insure that paralegals are hired on a more permanent basis.

	Frequency		
	Absolute	Relative	Adjusted
		(Percent)	
Leaving the project to return to school	23	4.3	16.3
Leaving the project soon	26	4.9	18.4
Leaving in less than 1 year	18	3.4	12.8
In UYA or VISTA and will leave upon completing assignment	50	9.4	35.5
Accepted into law school and will leave	18	3.4	12.8
Completing law school and will leave	3	0.5	2.1
Completing law school and will remain as an attorney	3	0.5	2.1
No response (remaining with project)	390	73.6	--
	531	100.0	100.0

There are virtually no available figures on lawyer turnover, thus comparisons with paralegals are difficult. One study, for the period February 1974 through March 1975, found 867 attorneys leaving Legal Services programs. That study, however, had no data from Community Action for Legal Services (New York City) and California Rural Legal Assistance, two of the country's biggest projects. These figures suggest that the attorney turnover rate is high, approaching 40 percent.

Legal Services project directors inform NPI that there is a wide disparity between lawyer and paralegal turnover, with most attorneys often moving on to other jobs after 1 1/2 to 2 years.

SURVEY OF 14 LEGAL SERVICES PROJECTS

INTRODUCTION

In addition to the Legal Services project questionnaires, NPI performed a telephone survey in January 1975 of a selected sample of 14 Legal Services projects employing 202 paralegals. The 14 geographically diverse projects were a mixture of urban/rural and large/small projects.* The purpose of the survey was to obtain a direct sample of information on paralegal utilization patterns and the structure of different programs employing paralegals. The number of paralegals in the projects surveyed ranged from 2 to 32.

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*Eastern Washington Legal Paraprofessional Unit, Spokane, Washington
Legal Assistance Foundation of Chicago, Chicago, Illinois
Older Adult Impact Program, South Bend, Indiana
Legal Assistance of Ramsey County, St. Paul, Minnesota
Legal Aid Society of Wichita, Wichita, Kansas
Pine Tree Legal Assistance, Maine
New Hampshire Legal Assistance, Manchester, New Hampshire
Legal Aid Service, Portland, Oregon
Legal Aid Society, Harlem Neighborhood Office, New York, New York
Mobilization for Youth Legal Services, New York, New York
Community Legal Services, Philadelphia, Pennsylvania
Clark County Legal Services, Las Vegas, Nevada
Georgia Legal Services Program, Atlanta, Georgia
Legal Aid Society of San Diego, San Diego, California

Projects selected for the study had systematically employed and utilized paralegals in ways which could reveal useful information for other projects.

Duties

In the projects surveyed, 105 paralegals were specialists and 97 were generalists. Areas of specialization included food and nutrition programs, community education, welfare, criminal*, administrative hearings, domestic relations, landlord-tenant and housing, immigration, unemployment, automobile accident defense, and mental health. The most common specialty areas were domestic relations (20 paralegals) and welfare or administrative law (29 paralegals).

Specialist paralegals were generally responsible for all aspects of the cases they handled. After financial screening by a receptionist or a paralegal and an intake interview conducted by an attorney or paralegal, the case would be assigned to the specialist who handled the investigation, negotiation, research, and preparation of the case up to a court appearance or to whatever point the paralegal could handle the case independently.

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*Those paralegals specializing in criminal law matters were employed in separate units financed by non-Legal Services funds.

One large project with 19 paralegal specialists was divided entirely into specialty units. Their Family Law Section had one attorney and seven paralegals. One of the paralegals was the section supervisor. The section handled about 100 divorces a month with the functions of the paralegals divided according to the steps of the divorce actions.

In the landlord-tenant section of the same project the paralegals are mainly investigators and witnesses. In the welfare and unemployment areas the paralegals handle the entire case, including representation at administrative hearings. For automobile accidents (tort defenses), criminal, and immigration cases the paralegal does all the interviewing and preparing of the case up to the court appearance or hearing.

Another large project covers 154 counties with 9 branch offices and 32 paralegal specialists. Both paralegals and attorneys "ride circuit" to interview clients.

There was a spread of opinion regarding the desirability of specialization. When one project presented the idea of specialty areas to its paralegals, they "were not turned on by it." In another project that has five specialists and one generalist, the feeling is that being a generalist is "not as satisfactory" as being a specialist.

Almost all the paralegal generalists did intake and whatever subsequent work on the case that they were able to handle. This might include writing letters, making phone calls, conducting negotiations with an administrative agency or creditor, and legal research. These activities might lead to "low-level" specialization as expertise develops. In a program that had 10 older "senior advocates" each was assigned to a specific geographic area to do general outreach in those aspects of the law affecting the elderly (SSI, food stamps, probate, social security, etc.).

None of the paralegals in these projects did their own clerical work on a regular basis. However, the distinction between paralegals and secretaries sometimes becomes fuzzy, particularly in the area of domestic relations. A project might say that a secretary handles the divorces, but there would be a mixture of paralegal and secretarial skills involved.

Case Assignments

The 14 projects had 3 different ways of assigning cases. In eight projects, intake was done by a secretary or by a paralegal who either kept the case or assigned it to another paralegal or to an attorney. In four projects, intake was done by an attorney, the rationale being that an attorney can better recognize and sort out legal problems and make decisions on the initial course of action. The remaining two projects made assignments communally in weekly meetings, with both attorneys and paralegals taking cases according to their interests.

Supervision

Half the programs contacted had paralegal coordinators, either VISTA supervisors or someone in the project who had primary responsibility for the paralegals other than on a case-by-case basis.

Case supervision ranged from "direct" and "close" to "vague" and "poor". Three projects had regularly scheduled attorney-paralegal meetings, which served both as supervision and on-going training. One project, in addition to meetings, had paralegals submit weekly written reports. Most often, however, attorneys supervised paralegals by specialty area or on a case-by-case basis.

Salary

There is a wide range of salaries paid to Legal Services paralegals. Of the 202 paralegals, only 40 were making more than $8,000 annually. Within the 14 programs NPI surveyed, salaries paid to full-time, non-VISTA paralegals ranged from $4,800 to $11,000. The programs relied on outside funds (ACTION, Manpower, state and local agencies, etc.) to pay almost half the paralegals; 102 were paid directly by their programs, 98 by other sources.*

The projects had three different ways of determining paralegal salaries. Five projects had set salary structures, two being part of union contracts. A project with part-time "senior advocates" paid the maximum amount allowed under Social Security regulations. The remaining projects set salaries on a seniority basis, overlapping the secretarial salary range.

While most projects had paralegals working at varying salary levels, only one indicated that it had a hierarchy of functions among the paralegals. One project was considering making some of its paralegals supervisiors on a rotating basis. The feeling was that all the paralegals would want to do it. No project had what might be considered a "career ladder" or a systematic changing of duties that might be considered advancement.

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*Salary source for two paralegals was not reported.

SOURCES OF FUNDING FOR PARALEGAL POSITIONS

Various sources of funding exist for paralegal positions within Legal Services programs. What follows is a review of some of the more common funding sources outside of Community Services Administration (CSA) grants and the limitations placed on either individual paralegals or projects when such funds are used. A statistical breakdown of salaries can be found on page .

It should not be assumed that these funds provide a stable resource for employing paralegals. They are often difficult to obtain, subject to peculiar restrictions, and ephemeral. They are viewed by most projects as stopgap measures in lieu of CSA funding.

ACTION

ACTION is the agency responsible for coordinating federally funded volunteer programs. The following ACTION programs are potential sources of paralegal personnel for Legal Services projects:

VISTA (Volunteers in Service to America) supplies either locally or nationally recruited volunteers for 1 year of full-time service. VISTA pays a small cost-of-living stipend ($2,000 to $2,400 a year) directly to the volunteers. Volunteers may normally renew their commitments for up to 1 additional year. After that, if a project wishes to retain a VISTA paralegal, the project must find alternative funding. Activities of VISTA personnel are politically restricted (they are subject to the Hatch Act which limits partisan political activities of Federal employees). VISTA volunteers are also prohibited from engaging in activities such as union organizing. For training, the VISTA program provides a general orientation only. Training on Legal Services and paralegal functions must be provided by the projects.

UYA (University Year in Action) provides some Legal Services programs with full-time college student volunteers from local sponsor schools. The students receive academic credit for a year of service. They work under the same constraints, with the same stipend and training possibilities, as VISTA volunteers.

RSVP (Retired Senior Volunteer Program) makes available part-time volunteers over 60 years of age to various service providers in their own communities.

National Student Volunteer Program provides technical assistance to help projects develop their own sources of part-time volunteers.

COMMUNITY ACTION PROGRAM

The Community Action Program (of CSA) has provided some financial assistance to Legal Services. However, CAP money is virtually nonexistent. When available, CAP money provided general funds to projects under stringent matching requirements. No CAP funds were paid directly to individual paralegals; however, some paralegals were on CAP payrolls under the supervision of Legal Services staff.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA)

The Comprehensive Employment and Training Act of 1973 (Public Law 93-203) consolidates the Department of Labor's manpower programs. These programs were formerly funded under the Manpower Development and Training Act, Title I of the Economic Opportunity Act and the Emergency Employment Act. CETA, a revenue sharing program, decentralizes authority for these manpower programs to designated agencies within each state. Applications for grants are made to these local agencies.

There are certain limitations on CETA-funded jobs for paralegals. First, there is a limit of $10,000 on salaries that can be paid under CETA. Second, for Title II money a person must be unemployed for 30 days before being hired with CETA funds. Title VI requires a 15-day unemployment period for certain designated high unemployment areas. In addition, there is also a requirement that the affected individual's entire family unit fall within certain poverty guidelines. A family unit may consist of a single individual. Finally, CETA grants are made for 1-year periods and are not automatically renewable.

SOCIAL SECURITY ACT
SOCIAL SERVICES (TITLE XX)

Legal Services programs in at least eight states were receiving $21.5 million partial funding in social services money under Titles IV-A and VI of the Social Security Act as of March 1975. Titles IV-A and VI were superseded by Title XX*. Title XX takes effect on October 1, 1975.

Title XX is also based on revenue sharing; the funds, therefore, are not available directly from the Department of Health, Education, and Welfare (HEW), which administers the Social Security Act, but rather from state, county, and local agencies that are given broad autonomy to choose the kinds of social services they wish to provide. First, local agencies make recommendations to the state government on allocating social services funds. Then states draw up a comprehensive plan. After the plan receives HEW approval, the agencies arrange for purchase of services contracts. Under these contracts recipient programs must meet either 50-50 or 75-25 matching requirements depending on the type of program. For example, information and referral programs receive only 50-50 matching funds, while attorney or paralegal direct services may receive 75-25 matching funds.

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*Social Security Act Social Services Amendments of 1974, signed into law January 4, 1975 (H.R. 17045, Public Law 93-64).

The complexity of the requirements that programs must meet varies for each locality. Some agencies fund an entire programatic approach; for example, hiring a full-time lawyer and two full-time paralegals to provide legal services to welfare recipients. Most agencies, however, purchase legal services on an hourly, voucher basis, which is a massive bookkeeping as well as delivery headache.

Section 2002(a)(1) designates categories of persons (e.g., the aged) who are to receive special attention under the act. These categories also limit program flexibility in using social services funds.

OLDER AMERICANS ACT OF 1965, AS AMENDED

Legal Services programs can receive grants under the Older Americans Act specifically to provide legal services to the elderly. Title III is the primary section related to funding legal services under this act. Under Title III, each state is divided into a number of planning and service areas, most headed by an Area Agency on Aging (AAA). Each AAA is responsible for preparing a plan containing its own decisions on social service priorities for the elderly within its area. Some areas still have neither an AAA nor a plan.

Section 304(C)(4)(c) of the Older Americans Act authorizes AAAs where necessary and feasible

> [to] enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or non-profit agencies;...

Relying on Title III money for paralegal jobs presents several problems. First, area plans are collections of components of different services. By Federal regulation, no single component may be funded for more than 3 years. While there is an elaborate mechanism enabling AAAs to recommend that a component be extended, such recommendations must go first to the state agency and then to the Federal Commissioner on Aging for approval. Because this provision is less than 3 years old, it has yet to be tried. In addition, even if exceptions to the 3-year rule are permitted, the amount of support may be severely limited. For example, it may be restricted to less than 50 percent of total project costs.

Beyond time limitations, there are restrictions on the percentage of total project costs that can be borne out of state or area money. In an area without an AAA or an area plan, states can pay a maximum of 75 percent of project costs.* In an area with an AAA and an area plan, a maximum of 90 percent of total project costs can be paid.**

Salaries paid from Title III grants tend to be extremely low. Finally, Older Americans Act funds can only be used to serve senior citizens. When a project receives such funding, it must generally set up an independent elderly component.

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*Older Americans Act of 1965, as amended, Section 306(a).

**_Ibid._, Section 303(e)(2).

SECTION II

DESIGNING AND IMPLEMENTING A PARALEGAL UTILIZATION PLAN

INTRODUCTION

This section of the report explains how a project can plan for, employ, and utilize paralegals. It is intended to provide guidance for projects which now employ, or soon will be employing paralegals. Half the projects now employ paralegals; the plan may nonetheless be useful to them since portions of it can be implemented for paralegals already working.

The subsections of this part are:

SURVEY OF COMMUNITY NEEDS

BASIC ROLES AND FUNCTION CATEGORIES OF PARALEGALS

THE PARALEGAL COORDINATOR

RECRUITING, TESTING, AND SCREENING

THE FIRST 6 MONTHS ON THE JOB

SUPERVISION

DEVELOPING AN EDUCATIONAL PLAN

DEVELOPING AN ORIENTATION PROGRAM

This analysis is offered for projects of all sizes, to use from the planning stage up to the time the paralegal is properly installed and functioning.

Part III of this report addresses training. It first discusses the history of the National Paralegal Institute (NPI), its training experiences, the results of various training experiments, and its present capacity to assist with training paralegals. It also discusses the training abilities of projects and proposes a distinction between those projects which cannot provide substantial training and those few large and well-funded ones which can.

The section then describes the development of a competent paralegal and suggests a model for the orientation-apprenticeship stage of a paralegal's development. It then discusses what follows this stage and what training and outside resources are available.

Up to this point, part III applies to projects of all sizes. The subsequent section, however, is for those major projects with resources to provide their own training. It offers a model for such training, with technical assistance from NPI.

SURVEY OF COMMUNITY NEEDS

As a first step in planning for paralegals, a project should make a comprehensive survey of the service needs of its client community. Such a survey can be undertaken in three phases.

The first phase is to assess the project's caseload activity over the last 3 to 6 months. An evaluation should be made of the number and kind of cases the project handles; staff allocations in relation to each type of case; frequency of such cases; and amount of supervision and skill needed to handle each type of case.

The second phase would be to assess the inquiries made of the Legal Services project. This means recording each inquiry or nonopened case problem. Information obtained from these inquiries should include the type of problem; how the problem was solved; and if the case was not handled by the project, why it was not handled.

The third phase, done with community outreach workers or with the assistance of a local Community Action Program (CAP) agency or other community group, would be an inquiry of the client community. The purpose of the inquiry is to find under what circumstances people are using, or not using, the Legal Services program. If they have used the services, a further inquiry regarding the type and scope of their problem and the quality of the service provided should be made. If they have not used the project, an inquiry should be made to determine why.

This inquiry should give the project an idea of the service needs of its community, thus enabling it to define specific roles for potential paralegals. Once the decision has been made to employ paralegals, and the project has an idea of how they will be utilized, it is ready to move to the next step-deciding which model of paralegal utilization to follow.

BASIC ROLES AND FUNCTION CATEGORIES OF PARALEGALS

What follows is a description of how paralegals are being or might be utilized in Legal Services projects and the pros and cons of each model. NPI has frequently found that Legal Services projects believe paralegals are of potential utility but are uncertain as to exactly what they can do. In fact, a project may employ paralegals but not know how to utilize them most effectively. Ultimately, the decision on whether and how to utilize paralegals rests with individual projects. Various factors, such as budget, personnel, physical location, and nature of the caseload, must be examined. This section is intended to be used by projects as background against which to view their individual needs and alternatives and also as a general technical assistance document to be used in strengthening utilization of paralegals.

Depending on the size of a Legal Services project, its caseload, training and supervisory capacity, and other variables, it may utilize paralegals in different ways. Some alternatives are listed below.

1. Intake Interviewer An office may be structured so that the first person the client sees after the receptionist is a paralegal who gathers the basic facts of the case. In such an office, paralegals conduct most, or all, of the initial interviews. The client's case may then be referred outside the office if it is a nonlegal matter, retained by the paralegal for further work, or transferred to an attorney or another paralegal.

2. Lawyer's Assistant A paralegal may assist a lawyer, taking neither major responsibility for conducting client interviews nor maintaining a separate caseload of matters to be handled but responding instead to the attorney's needs regarding his caseload. Such a paralegal would typically conduct investigations, check court records, do research, deal with witnesses, draft letters, and handle routine communications with the client.

3. Paralegal Pool This structure is a variant of item 2. Here, paralegals do not work with a single attorney but are available for assignments from any attorney. Such a structure requires a paralegal coordinator to direct work assignments and set priorities.

4. Generalist A paralegal may handle diverse problems rather than specialize in one area. The generalist may do intake interviewing but also devote substantial time to a variety of cases, either working as a lawyer's aide or on administrative cases in which non-lawyers are permitted to represent clients. The distinction between the generalist and the lawyer's aide is that the generalist is responsible for handling some cases from beginning to end.

5. Specialist Legal Services may assign paralegals to particular specialties, such as domestic relations, landlord-tenant, consumer, or welfare. In this structure, cases are screened at intake and assigned to a particular specialist or

specialty unit. If the specialty is administrative law, paralegals handle cases from the outset to their conclusion unless there is a particular problem that requires an attorney's attention.

6. Outreach and Community Education An outreach worker's principal function is dealing outside the project with groups and organizations of potential clients. Since many elderly, infirm, and poor potential clients are unable or unwilling to come to a law office, the outreach worker extends legal services to those who need it. Part of this function is community education, which involves informing groups (e.g., senior citizen's organizations and tenant associations) of their legal rights and of the availability of legal services programs for their particular needs. The paralegal may or may not follow-up on the cases which result from his outreach and community education activities.

7. Modular Processing This function rarely occurs in Legal Services projects but is popular in some private law firms. In the model cases occurring in large numbers, (e.g., personal injury) are broken into their component parts so that a paralegal becomes an expert on one component of the process, such as deposition, medical information, or preparing a litigation file. Divorce is one area in Legal Services where modular processing may be used.

SPECIALISTS

Many projects, particularly the larger ones, are organized into specialty units. Common specialty units include domestic relations, administrative law, and landlord-tenant.

The number of attorneys and other personnel assigned to each unit varies according to the program's resources and the volume of each type of case. The most appealing aspect of specialization is that it allows attorneys and other members of the unit to develop expertise in a particular area of law. The result is higher quality and more efficient legal services. It also presents paralegals with a more manageable body of material to be mastered and,allows more concentrated efforts.

Use of the specialty unit model depends on many factors. First, there must be enough cases in each area, both substantively and geographically, to make specialization worthwhile. For many smaller projects creation of whole units is neither feasible nor efficient. Nevertheless, paralegals should be allowed to narrow their focus as much as possible. In some offices, this might mean that one paralegal specializes in administrative law and domestic relations while the other specializes in consumer, landlord-tenant, and bankruptcy.

Depending on the area involved, specialization is facilitated by the use of systems. By breaking down a legal task into a series of components and identifying the skills and training necessary for each one, a project can more efficiently allocate its personnel. Thus, for example, many divorce units are set up so that a paralegal conducts the interview and prepares the documents and a lawyer simply makes the court appearance. Systemization is particularly useful in smaller projects where paralegals may have multiple specialties. The system helps to guide the user through the area of law involved and helps insure that all essential points are covered.

Systemization, however, is no substitute for thorough paralegal training. To perform effectively, paralegals must be well versed in their specialty. This will enable them to handle cases competently and to spot cases which should be referred to an attorney, such as those containing potential law reform issues. Certain areas of law are more easily mastered than others. Pros and cons of the various specialties will be discussed below.

The success of the specialty unit depends not only on the training of paralegals but also on the training of the lawyers involved. Lawyers must understand and accept the paralegal concept and the respective roles of paralegals and lawyers within the specialty unit. Guidelines should be established to determine when a paralegal handles a case and when a case should be referred to a lawyer. Further, a lawyer should regularly review a paralegal's work. For an inexperienced paralegal, this may involve consultations with the lawyer throughout the day and perhaps a daily review of the paralegal's work. For a more experienced paralegal, a weekly discussion of his cases may be sufficient. What is important is that both paralegal and lawyer have a common understanding of the supervisory process.

It is also desirable to have one paralegal relate to one particular lawyer in the unit. That lawyer should be willing to devote whatever time is necessary to consult with the paralegal. Finally, lawyers should realize that training is not a one-way process flowing from them to paralegals. Attorneys can also learn from paralegals. An experienced paralegal sometimes knows more substantive law in a given area than an inexperienced lawyer. The relationship between a trained paralegal specialist and an attorney in a specialty unit should be characterized by the give and take of colleagues each with particular skills and not by a hierarchical superior-subordinate structure.

In summary, one of the most effective ways to utilize paralegals is as specialists, either with specialty units or without. However, this model presupposes several conditions:

-- There is a sufficient volume of cases to warrant specialization of project attorneys and/or paralegals.

-- Intake workers are sufficiently familiar with substantive law to correctly identify the nature of the client's problem.

- Paralegal specialists are thoroughly trained in both skills and their substantive specialty.
- Attorneys support the idea of paralegals and are willing to restructure the division of labor to effectively utilize them.
- The roles and responsibilities of paralegals and attorneys are clearly delineated and understood.

INTAKE INTERVIEWERS

Paralegals in Legal Services projects are frequently used as intake interviewers. When a client phones or visits the office, his eligibility for services is usually determined by a receptionist. At this point, the receptionist sometimes makes a preliminary inquiry as to the nature of the problem to screen out those which are clearly nonlegal. The client is then sent to the paralegal intake interviewer who identifies the issues and gets the pertinent facts.

Sometimes the paralegal can take immediate action to solve the problem, such as telephoning the welfare department or referring the client to another organization. Or the paralegal might seek on-the-spot advice from an attorney on how to handle the case. If the problem cannot be dealth with at this level, the client is referred to a specialty unit or to an individual attorney. The intake interviewer must identify the nature of the problem and get enough information to allow the attorney or other paralegal to begin work on the case.

It is extremely important that the intake interviewer have a broad background in many areas of law in addition to interpersonal skills. Substantive legal knowledge is necessary to recognize issues and to know what facts are relevant to these issues. Without such knowledge, the interviewer can overlook potentially serious problems. Also, an incomplete intake interview results in the client being reinterviewed by the attorney or paralegal handling the case.

Thus, in order to be effective, a paralegal intake interviewer should have some substantive law training. Much of this training must be on the job, under close supervision of an attorney. Developing checklists, systems, and interview sheets can facilitate the process although they do not substitute for a good base in substantive law.

Capable paralegals frequently find intake interviewing frustrating since they are seldom able to follow a case to its conclusion. They naturally begin to specialize and become more knowledgeable in certain areas of law. If this tendency is thwarted, they feel they are in a deadend job.

Some projects no longer use paralegals as intake interviewers. Instead, the initial interviews are conducted by attorneys with paralegals used exclusively as specialists. This model theoretically insures that the intake interviewer will not overlook issues. It also avoids having to train paralegals in seven or eight different areas of law, and allows them to specialize.

There are also projects which divide intake interviewing between lawyers and paralegals.

In summary, an intake interviewer can play an important role both in interviewing and handling cases, particularly in smaller projects where extensive specialization is not possible. There are, however, major training and supervisory responsibilities which must be met in order to insure efficient, quality legal services.

OUTREACH AND COMMUNITY EDUCATION

The outreach and community education function is subject to the same problems as the intake interviewer function. The outreach and community education paralegal meets clients, or groups of clients, away from the office. To conduct effective outreach, paralegals must have a broad background in law; in other words, they need training. There must also be a structure for consultation between attorneys in the project and paralegals in the field so that if an emergency situation arises, an attorney is available whom the paralegal can phone.

The community outreach model has been effective within Legal Services. Outreach paralegals can be an important link between the project and the neighborhood. Also, people are helped who, because of fear or lack of knowledge, would never come into a Legal Services office. However, training and supervision is necessary to maintain a high level of services.

RECOMMENDATIONS

There is a growing tendency in Legal Services projects to utilize paralegals as specialists. This signifies a recognition, based on several years of experience, that paralegals are not particularly well equipped to be intake interviewers or generalists, both of which require comprehensive legal knowledge. Intake interviewing should probably be done by the most experienced personnel, since effective interviewing (beyond merely determining the type of problem such as "divorce" or "consumer") requires a solid knowledge of the law. Similarly, a generalist can function effectively on a wide variety of cases only with a good understanding of basic legal principles and the capacity to do quick legal research.

Specialization present the paralegal with a more manageable body of material to be mastered and allows more concentrated efforts. The specialty helps define the training needs of the paralegal. It also helps paralegals delineate their scope of responsibilities within an office.

NPI and increasing numbers of Legal Services projects believe the most satisfactory role for a paralegal is as a specialist. Whether the specialty is broad (e.g., administrative representation) or narrow (e.g., SSI disability) depends on the size of the caseload and the number of paralegals within the project. Paralegal specialization can relieve lawyers of entire segments of project caseloads, thus freeing them for cases which must be handled by an attorney.

APPOINTMENT OF A PARALEGAL COORDINATOR

For a project to utilize paralegals effectively and for paralegals to perform well, certain structural supports are necessary. The first such support a project should provide is a paralegal coordinator, responsible for representing the interests of the project's paralegals at the administrative level.

The coordinator need not function full time; however, a substantial amount of one person's time will have to be spent fulfilling that responsibility. The coordinator should not have to do everything alone, but should see that certain tasks get done, such as developing an in-house training program; expanding paralegal roles; determining ways to upgrade paralegal performance; designing salary scales and a career ladder; and insuring that an effective evaluation process is installed.

The coordinator will provide a formal channel of communication between the paralegals and the project director and mediate problems between individual paralegals and attorneys.

When properly performed, the coordinator's job will be a demanding one. Are the paralegals' offices adequate?

Do they have the necessary books, forms, and supplies? Are they confused by instructions from attorneys? Is someone available to answer their questions? Do they understand office procedures? Are personal problems interferring with performance? In busy projects, where there is no paralegal coordinator, these questions often go unanswered.

RECRUITING, TESTING, AND SCREENING

The number of paralegals in Legal Services projects has doubled in the past 2 1/2 years. Paralegals are recruited from numerous sources, ranging from VISTA to community groups to college graduates. This section will provide ideas for selecting new paralegals. Large-scale outside recruitment and formalized testing and screening are unusual in Legal Services projects. However, recruiting suitable employees is an important step in developing a paralegal program and careful consideration should be given to the recruitment.

RECRUITING

Before hiring a paralegal, there should be a clear understanding throughout the project of the role the paralegal is to play. The type of person to be recruited and the skills he will need should be determined by what the project expects of the paralegal. Once the paralegal's role has been defined, the necessary skills and acceptable levels of competence and education can be decided.

Regardless of specific skills and education desired, there are four important qualities that a paralegal should have.

The first is maturity and a sense of responsibility. Maturity affects a paralegal's capacity to deal with people and their problems, to sympathize with them, and to adopt a professional view toward solving their problems. A sense of responsibility affects such matters as reliability, stability on the job, and willingness to work patiently and for the good of the client.

Second, a paralegal should be able to relate to the kind of clients the office serves. This quality is often termed "community-based," but that may be an over simplification. Legal Services clients are of diverse racial and cultural backgrounds, come from many different age groups, and have widely varied problems. A paralegal coming from the office's target community may have an immediate understanding and sympathy for a client's problem. While community roots may indicate an ability to relate to clients, it should not be the sole consideration. Also important is tact, patience, and an overall orientation to the concept and goals of Legal Services.

Third, the person hired should want to be a paralegal and not something else. He should want to learn how to use the law and not merely to do investigations, community organization, educational or other work that may be of great service but is not paralegal work.

A paralegal attempts to solve legal problems by applying legal rules and remedies. Even lawyers do many things for clients which do not involve the direct application of law--they negotiate, argue, manipulate, and use "non-legal" means to help the client. Nevertheless, clients come to a law office because they have legal problems and they can best be helped by those who understand and use the law effectively.

Finally, a paralegal should have solid reading and writing skills. Law offices operate on the written word and while a paralegal need not have academic credentials, reading comprehension and the ability to communicate in writing are essential. In addition, a paralegal should be able to understand simple statements of law. Statutes and case law are sometimes difficult to comprehend, even for attorneys. In fact, part of the work of the paralegal movement is to reduce legal concepts into straightforward language and simplified manuals. A paralegal will be severely handicapped if he cannot read, understand, and apply such manuals. The same is true of writing. Paralegals should be able to write letters, fill out application forms, record events and facts in cases, make reports, and help prepare legal documents.

These basic skills are prerequisites/unless the project is willing and able to offer substantial remedial tutoring.

Methods of Recruiting

Where to recruit will, of course, depend on the level of experience and skills that have been deemed necessary. Recruitment might begin inside the office with the clerical and other support staff. Employees often take on added tasks similar to those performed by paralegals and these tasks can easily be expanded. A person recruited "in-house" has known abilities and potential. Such a person also has a basic understanding of the goals, functions, and operations of the project. However, it is important to note that a secretary who becomes a paralegal cannot do both jobs and that a replacement will be needed for the vacated position.

Recruiting by word-of-mouth and personal contact may produce candidates of known competence and reliability. However, the person making the recommendation must also be reliable and have a thorough understanding of the position to be filled. One problem involved in this type of recruitment is that it generally limits the range of applicants to people already known by the staff.

The media can be used in two ways to recruit paralegals. First, by simply advertising a specific position, and second, through general public education. A Legal Services project might release articles on paralegals as a new career in law or on how paralegals are used in a particular community or area of law. Public interests radio and television time are sometimes available, possibly in conjunction with other law offices or legal programs. This type of education could lead to inquiries from qualified people.

An advertisement in the classified section of a city newspaper will probably bring a deluge of applicants with diverse backgrounds. Such mass recruiting is probably not suitable for finding the special talents needed for paralegal work. When media is used, it should be narrowed in scope to reach a specific population. Community newspapers, senior citizen newsletters, independent, Black-owned, or Spanish radio stations, and neighborhood circulars are good potential sources.

If a local school or university offers a paralegal training program, the project could register at the placement office. In this way, the project can be assured of a certain educational level and some basic paralegal skills. Very few schools, however, offer paralegal training oriented toward poverty law.

Recruitment in the local target area may produce good, community-based paralegals. Such recruitment may go hand in hand with community education and public relations. Approaching community action and anti-poverty groups and vocational training and rehabilitation centers are possible methods of community recruiting.

Regardless of which method is used, some general considerations should be kept in mind. One is the project staff and client community make up and sensitivity to race, age, and sex. Another is the recruiter and his background, training, and possible biases.

TESTING

If there is a large pool of applicants of unknown quality, it may be necessary to use some form of testing in the selection process. Decisions must be made about which applicants to test and when they should be tested. It would probably be difficult to arbitrarily test some applicants but not others simply on the basis of initial impressions. If testing is necessary, it should be uniformly applied, possibly as part of the first interview. The applicant must know what the tests are intended to show and how the results will be used. Some objectives of testing may be measurement of reading or listening comprehension, ability to handle legal terms, and writing skills. Testing might also be diagnostic for the purpose of planning training programs.

Most standardized tests rate applicants against each other rather than test their ability to perform a specific task. Such tests should not be used.

NPI has approached the Educational Testing Service and other testing experts to determine whether any suitable tests exist to measure potential paralegal capacity. There are none. For that reason NPI is suggesting a few simple exercises which might be used to measure an applicant's ability to handle the written part of paralegal work.

SAMPLE TESTS

I. On the following pages you will find three sections of a statute which deal with landlord-tenant, domestic relations, and welfare law. After each section are questions to be answered. Read each section of the law carefully before answering the questions, and use the law as you prepare your answers.

A. LANDLORD-TENANT

Real Property Code

S10-102. Service of Summons

The summons provided for by Section 10-101 shall be served seven days, exclusive of Sundays and legal holidays, before the day fixed for the trial of the action. If the defendant has left the State of Independence, or cannot be found, the summons may be served by delivering a copy thereof to the tenant, or by leaving a copy with some person above the age of sixteen years residing on or in possession of the premises sought to be recovered, and if no one is in actual possession of the premises, or residing thereon, by posting a copy of the summons on the premises where it may be conveniently read.

> Ms. Smith is being evicted from her apartment. She brought a summons to your office which was left with her 12 year old son yesterday. It says she has to go to court tomorrow.

1. Do you think the summons was properly served?

   Yes_______ No_______

2. Give your reasons.
3. Write a one-paragraph memo to your supervising attorney about the facts of the case and your opinion.

B. DOMESTIC RELATIONS

Domestic Relations Code

S16-903. Residence Requirements

No action for divorce shall be maintainable unless one of the parties to the marriage has been a bona fide resident of the State of Independence for at least one year next preceding the commencement of the action. No action for annulment of a marriage performed outside the State of Independence shall be maintainable unless one of the parties is a bona fide resident of the State of Independence at the time of the commencement of the action.

S16-904. Grounds for Divorce, Legal Separation and Annulment

(a) A divorce from the bond of marriage or a legal separation from bed and board may be granted for adultery, actual desertion for one year, constructive desertion for one year due to cruelty resulting in a bona fide fear for life or limb, voluntary separation from bed and board for one year without cohabitation, or final conviction of a felony and sentence for not less than two years to a penal institution which is served in whole or in part. A legal separation from bed and board also may be granted for cruelty. (b) Judgment of legal separation from bed and board may be enlarged into a judgment of divorce from the bond of marriage upon application of the innocent party, a copy of which shall be duly served upon the adverse party, after the separation of the parties has been continuous for one year next before the making of the application.

1. Which of the following is not grounds for divorce. (Circle one)

   A. Desertion

   B. Mental cruelty

   C. Adultery

   D. Voluntary separation

2. Mr. Thomas has lived in Independence for 10 months. He moved to Independence when he separated from his wife. Give two reasons why you cannot proceed with a divorce for him now.

41-400 DEPRIVATION OF PARENTAL SUPPORT OR CARE

Deprivation of parental support or care is a separate and specific eligibility factor for AFDC. A child's deprivation is based on the status of the parent or parents or on his relinquishment for adoption.

41-401 BASIS OF DEPRIVATION

.1 A child is considered deprived of parental support or care if:

a. The child has been relinquished for adoption;

b. Either parent is deceased;

c. Either parent is physically or mentally incapacitated;

d. Either parent is unemployed;

e. Either parent is continually absent from the home in which the child is living.

.2 All bases for deprivation shall be considered at the time of application and at the time of redetermination of eligibility.

.3 When the child is deprived of parental support or care for more than one reason, eligibility is established on the basis of deprivation that appears first in Section 41-401.1 above.

1. What are the five bases of deprivation?

   A. ______________________________

   B. ______________________________

   C. ______________________________

   D. ______________________________

   E. ______________________________

2. If a child lives with his incapacitated mother, what is the basis for deprivation on which eligibility is established when

   A. his father is absent______________________

   ____

   B. his father is deceased____________________

   ____

   C. his father is not married to his mother________

   ____

Such a test, designed by and for an individual office, can also acquaint the applicant with what he can expect to encounter as a paralegal.

The examples given would be hard to grade on an absolute scale. They are designed to give a recruiter or trainer a basic understanding of the applicant's ability. They obviously are not meant to be the sole criterion for selection. In fact, testing of this sort for screening purposes should rarely be necessary in a Legal Services project as paralegals are not generally recruited on a large scale. However, testing as a training tool may be useful.

SCREENING

If a large number of people are going to be considered, it may be useful to have each fill out a questionnaire before the first interview. The questionnaire should enable the project to determine who does not meet the basic requirements, if any, of education and experience.

The first interview should be limited to a basic exchange of information. The interviewer should cover the following areas:

1. Describe the office--what it does, how a paralegal is expected to fit in, and paralegal duties and responsibilities.

2. Ask if the applicant has had any previous experience as a paralegal or in any other law-related job.
3. If he has had no previous experience, ask what his interest in the legal area is and what kinds of things he would like to do.
4. Find out basics about education, work, and activity background.
5. Ask for references.

If a test is to be used in the selection process, it probably should be administered as part of the first interview so that the applicant and interviewer can discuss it. If, after the first interview, it is evident that the applicant is unsuitable for the job, he should be told immediately. If the applicant is worth further consideration a definite time should be agreed upon for a second contact.

In the second interview, the interviewer should elicit the applicant's ideas regarding the legal process in general and his personal experiences with the law. By seeing an applicant twice, the interviewer can get a broader sense of the candidate. Also, the applicant will have a better idea of what the position involves. During the second interview, the following items might be discussed:

1. How personal experience with the law has affected the applicant's attitude toward the law or legal process.

2. What he thinks a lawyer does.
3. What he thinks a paralegal does.

Following this discussion, the applicant should take charge of the interview in some way, possibly by discussing a legal problem and how he would try to resolve it. The problem of over qualification should be kept in mind. Unemployed lawyers or law students may not be content with being paralegals.

Another important consideration in the selection process is the choice of the individual or committee to do the recruiting and screening. The training, background, and biases of an interviewer can substantially effect the choice of a paralegal. Whether the person is an attorney or nonattorney may also make a difference.

Before final selection is made, at least one of the applicant's references should be checked. At the time of hiring, the mutual obligations of the project and the new paralegal regarding duties, responsibilities, salary, and training should be made absolutely clear.

THE FIRST 6 MONTHS ON THE JOB

After a paralegal has been hired, a plan should be developed for integrating him into the project. The first 3 months should be an orientation or apprenticeship period during which the paralegal gets an overview of the project's work. During this period a paralegal should learn about the project, the community and, of course, how to handle his job. A few cases should be assigned to the paralegal, primarily as a learning device, with full responsibility lodged in the supervisor. Case assignment is important because it gives the paralegal a sense of involvement, which is helpful in offsetting the somewhat abstract orientation and study program. However, initially the paralegal should not be given a routine case-load, regardless of client pressures.

Paralegals should observe intake interviewing during this period and the supervising attorney should allow the paralegal to conduct some intake interviews under supervision. Near the end of this period, each paralegal should be given an area of specialization, with the paralegal taking part in the decision making process.

Finally, at the end of the first 3 months, the paralegal should be sent to a 1-week training program for new paralegals offered by NPI.

Effective use of supervision as an evaluative and educational tool and successful development of an educational plan and an orientation program are important elements in a paralegal's first 3 months with a project. These subjects are discussed below.

After the first 3 months some changes should occur. The paralegal should now be allowed to take on his own caseload. He should receive information, materials, and assistance in studying his selected specialty, and once specialties are determined, the paralegal should be given paid time off to attend selected conferences and training sessions in his subject areas. NPI offers 1-week training programs in administrative representation and in SSI/Social Security Disability, which are given regularly around the country. Other programs are provided by government agencies, colleges, law schools, and public service agencies.

SUPERVISION AS AN EVALUATIVE AND EDUCATIONAL TOOL

Supervision can be an effective educational, evaluative, and administrative tool. First, the duties of a supervisor and some qualities to look for in selecting one will be discussed. The section will then focus on issues in supervision, the apprenticeship or orientation stage, developing learning experiences, and supervision after the apprenticeship or orientation stage ends.

ASSIGNING A SUPERVISOR

An attorney should be assigned to provide regular case supervision for each paralegal. If a Legal Services program is to use paralegals to deliver legal services, it must ensure that attorneys supervise and assume ultimate responsibility for the paralegals' work. This protects the project and the paralegals from charges of unauthorized practice of law. Even in the authorized administrative representation area, each paralegal should have an assigned supervisor.

In addition to case supervision, a supervisor should evaluate the paralegal's performance and help the paralegal coordinator develop an overall educational plan. In carrying out these responsibilities, a supervising attorney should be sensitive and supportive.

ISSUES IN SUPERVISION

Many paralegals come to the job with considerable work and life experiences but without an attorney's education. The paralegal often reacts by feeling ignorant, even though he might have had experience as a client, as an advocate for himself or others, or as a community activist. The supervisor can either reinforce that know-nothing feeling or encourage the paralegal to discuss previous experiences and relate those experiences to his present work. In essence, the supervisor should build on the existing knowledge, attitudes, and skills of the paralegal, instead of behaving as if the paralegal must learn everything from scratch.

Supervision can be seen as a threat to a paralegal, a view the supervisor can either reinforce or minimize. The supervisor should carefully explain the basic reason for supervision, i.e., protection for the paralegal and the client, and should elaborate on the educational component.

Supervision can breed either dependence or independence. A paralegal can come to view the supervisor as someone who supplies all the answers and, therefore, never develop the capacity to think or act independently. Dependence can be avoided by emphasizing the development of analytical skills and by showing the paralegal how to secure needed information. Often it takes less time to give a quick answer than to help a paralegal find his own answer. However, this short-term savings in time is more than offset by avoiding permanent dependence, impaired analytical skills, and lack of confidence.

A sharp distinction must be made between supervision during the apprenticeship or orientation stage and afterward. A paralegal should understand that close supervision and lack of his own case responsibility will end with the close of that stage and that he will gradually assume responsibility for his own case decisions, with review by the supervisor.

DEVELOPING AN EDUCATIONAL PLAN

An educational plan should be developed with full participation of both lawyer and paralegal staffs, although the paralegal coordinator should have ultimate responsibility for it.

Such a plan should ideally build on the attitudes, skills, and knowledge paralegals bring to the program. Thus, as much information as possible should be learned about each paralegal in order to develop the most useful plans. The plan must be flexible, since first impressions are sometimes altered on the basis of continuing performance. New job assignments also bring new training requirements. In addition, an experienced paralegal might want training in new areas in order to move into another area of work.

The supervisor is extremely important in the entire educational process. He can evaluate how information and skills are integrated and translated into job performance. In addition, he can assist in the educational process by providing tutorial services and by helping to develop further training programs for each paralegal.

The initial training program, likely to contain a minimum of paralegal input, will be based on staff consensus as to what is needed for the paralegal to function. However, each paralegal should be fully informed about the training program and the rationale for the various components. After the initial training period, each paralegal should be involved in further educational planning.

An educational plan should make creative use of both project and outside resources. For example, an orientation program is essential for initial functioning on the job. The major responsibility for this phase rests with the project. In contrast, after 3 months on the job, ideally each paralegal should be sent to NPI's New Paralegal Training Program. When the paralegal returns to the project, there should be followup training to reinforce and interpret the learning that took place at the NPI training. This again would be the project's responsibility, either to provide followup through project or outside resources.

Finally, outside resources should be investigated for purposes of long-range training. These resources might include community college programs and advanced training given by NPI.

If resistance to training develops at any stage, the reason should be determined immediately. If it is because of poor training, changes should be made. If it is resistance to any kind of training, it should be reemphasized that participation in training is mandatory. These problems can be prevented, or at least diminished, by specifying at the time of hiring that ongoing training is a job requirement.

Regardless of the type of training, it is crucial that training be made available and that paralegals be given time off from their regular duties to participate in such training.

DEVELOPING AN ORIENTATION PROGRAM

A good program should include orientation to both the project and the community. The first two parts of this section discuss the reasons for such a program and suggested content. The last part describes ways to make such a program interesting.

ORIENTATION TO THE PROJECT

It is necessary for paralegals to understand how the project functions and how the project structure can support their efforts to serve clients.

As paralegals are taught about their own projects they can be encouraged to use the same techniques to analyze other agencies with which they will be dealing. Thus, there is a two-fold benefit of learning essential information about outside agencies and developing an analytic tool for their jobs.

In order to understand overall functions, paralegals must be aware of the project's purpose, governance, structure, operations, and program.

Purpose

The purpose of the Legal Services program is not always clear to new employees.

A statement of purpose should, of course, be related to the statute and regulations which govern Legal Services nationally, as well as to the more specific statements of purpose formulated by the local Legal Services program. It should include the philosophy and values underlying the Legal Services concept.

Governance

Information about the way the project is governed may seem dull or irrelevant compared to the primary job of serving clients. However, such information can be made more interesting by showing how governance affects a wide range of decisions, such as, what clients are to be seen, what legal problems are going to be handled, how each person's job will be structured, and what the working conditions will be. The key is to show that governance is intimately related to the paralegal's ability to perform.

Although Legal Services projects must follow broad, nationally established guidelines for governance, there will be variations in particular localities. These variations include the history of the program, style of the project Director, and strength of the board of directors.

All projects must have a board of directors--representative of the bar, the client community, and the general community. Although functions may vary, some common elements are hiring and/or firing the project Director; approving policy; setting priorities; serving as a buffer to hostile elements in the community; and providing support for project activities.

Paralegals should see the board as an asset, rather than a hindrance, in getting the job done. The board and staff should be viewed as partners in setting policy and in governance generally.

Structure

The structure of a Legal Services program is, of course, related to and flows from the way the program is governed. It is useful to show how paralegals fit into the overall picture. It is especially important that a paralegal know to whom he is accountable, since he has no legal sanction to work independently. Equally important, a paralegal should know what support staff is available, such as secretarial help, and should understand how he fits into the overall staff structure.

Operations

The mechanics of the project's day-to-day operation are of crucial importance. The way a case-record is set up, the kind of tickler system used, the type of filing system, the forms to be filled out--all of these details must be learned if a paralegal is to function effectively.

Program

The services offered are the reason for the project's existence. It should be emphasized from the outset that the project is structured the way it is so that it can deliver high quality service.

Paralegals should be informed about the total program, not just the part in which they will be involved. Too often a paralegal is plunged immediately into work in a narrow specialty. He never learns about the project's other activities, such as work in other legal specialties, community work, law reform, and legislative activity. Information should not only include the types and number of cases handled and the nature of the client population, but also the rationale for client selection and caseload determinations.

ORIENTATION TO THE COMMUNITY

Each paralegal should understand the community in which the Legal Services program operates. This includes an understanding of (1) political forces and the way decisions are made in the community; (2) the client community or communities the project serves; and (3) how the Legal Services program is only one of a network of agencies set up under private and public auspices to serve low-income people.

Throughout the orientation program, the unique role of Legal Services should be stressed, as well as the problems and conflicts which arise because of that role.

As part of this total exploration of the community, a paralegal should learn about the policies and programs of other agencies and how to get services from them, as many clients will require those services.

There might be other reasons for contacting outside agencies. If a client is having difficulty with an agency, the contact might be as an advocate or adversary. A client, unaware of a particular service or agency, might need an effective referral. Or an agency might be a potential source of referrals to Legal Services; hence the need to publicize the project in order to get appropriate referrals.

In addition to learning about programs and benefits, paralegals should learn the value of having contacts within those agencies, who can supply information and/or expedite getting help for a client.

TIPS ON SETTING UP AND ORIENTATION PROGRAM

The risk of an orientation program is that it will be boring. Such programs are often poorly structured and rely on written material and rambling talks. A good orientation program requires careful planning, with attention given to having diverse activities. The focus should be on an analytic approach directly involving the paralegals instead of straight information-giving. What is written and/or stated should constantly be assessed against reality or perceived reality. Equally important, an orientation program should be integrated into the assignment of tasks by the supervisor.

A typical day during the orientation period might include study, lectures, observation, visits to outside agencies, and an opportunity for group discussion about the experiences. The discussion might include constructive criticism of the program.

From the beginning of the orientation, paralegals should understand clearly how and why the program is structured as it is.

Orientation to the project might include:

1. Having the project Director give an overview of the project, including how he views the roles of various personnel.
2. Having the person who knows most about and/or who is closest to each project activity discuss that activity; e.g., a receptionist should explain his role and not have someone do it for him.
3. Having the paralegals observe the person who has explained his role in action; e.g., sitting in the waiting room observing the receptionist handle clients.
4. Providing written materials on the project, such as annual reports, statistics on caseload, reports on special projects, the personnel manual, and material on governance.

5. Inviting representatives from client groups to share their perceptions of the project and/or visiting the headquarters of client groups.
6. Inviting a board representative to explain how he views his role and finding out what he knows about the agency.
7. Observing a board meeting.
8. Stressing that gathering of information about the project should be a model for how to gather information about other community agencies.
9. Introducing the paralegals to the library and to available resource materials.
10. Having the paralegals go through some exercises in setting up records for hypothetical clients.
11. Having the paralegals observe interviews and accompany staff on field trips.

Orientation to the community might include:

1. Inviting speakers from the major agencies with which the paralegals will be dealing.
2. Visiting agencies, not only to meet personnel but to determine if what the agency says about its services coincides with reality.
3. Visiting neighborhoods in which clients live to get a feeling for the environment.
4. Providing handbooks on major community resources.
5. Inviting local government officials to talk about their policies toward the client population.
6. Attending public hearings on major issues to get an idea of how the general public thinks.

SECTION III

TRAINING AND SUPERVISION OPTIONS AND MODELS

THE CURRENT STATE OF LEGAL SERVICES PARALEGAL TRAINING

BACKGROUND

This section provides background on paralegal training in the Legal Services program. It discusses the need for training and describes the history and status of paralegal training in curriculum development, training methodologies, training formats, material preparation, personnel, and logistics. It then explores optional ways to deliver paralegal training and to expand delivery of that training.

There are a number of parallels between the history and development of paralegal training in Legal Services and the history of lawyer training in Legal Services. At the inception of the Legal Services program, it became clear that the young lawyers, who at that time comprised the bulk of the program's personnel, lacked knowledge of substantive law pertaining to poor people. This situation stemmed from a serious underlying problem: law schools simply did not teach relevant subject matters. They did not even have generic courses in poverty law, let alone in-depth courses in welfare, housing, and consumer law. It was also clear that young lawyers lacked the legal skills of interviewing, discovery, negotiation, and trial presentation necessary to properly represent a client. Again, the primary reason for this was the failure of law schools to provide appropriate training.

Teaching of these skills has traditionally been left to experienced lawyers who theoretically adopted a master/apprentice relationship with young lawyers. Those lawyers fortunate enough to work under a skilled lawyer willing and able to impart his skills, developed similar skills. However, many were left to their own devices, often with unsatisfactory results. Generally, on-the-job training was insufficient for developing adequate skills in most lawyers, including young Legal Services lawyers.

Partly as a result of these law school defiencies, the Ford Foundation funded the Council on Legal Education and Professional Responsibility (CLEPR) to stimulate clinical law programs in law schools. While meritorious in concept, CLEPR did not have sufficient impact on law schools to alter the inability of young Legal Services lawyers to handle cases effectively.

Despite the work of various substantive law backup centers in designing materials and giving technical assistance to litigating attorneys, Legal Services lawyers still lacked the experience and skills to be effective advocates.

To meet this problem, the Office of Legal Services considered dispersing its training funds to individual projects. This notion was rejected as inefficient and duplicative. Projects lacked the necessary expertise, materials, and concepts. In addition, training money could not be effectively utilized because the projects usually hired small numbers of lawyers at different times of the year. It would not be feasible to hold a structured training program for one or two attorneys. A return to on-the-job training (master/apprentice) was also rejected. Projects lacked experienced lawyers to train new lawyers and caseloads prevented spending time on formal training.

To fill the critical training vacuum, OEO's Office of Legal Services issued an "RFP" soliciting proposals for lawyer training and awarded the contract to the Legal Services Training Program at Catholic University for a program for teaching skills and substance to Legal Services lawyers.

The Legal Services Training Program (LSTP) adopted a 3 to 4 day retreat format for between 60 and 100 lawyers, usually drawn from a single region. LSTP employed experienced Legal Services lawyers, first as designers of training programs and materials and then as trainers. All logistics of retreat training (travel, lodging, food, material reproduction, distribution, scheduling, site selection, selection and training of actors for role-play, selection and training of trainers, and arrangements for video equipment), were arranged and paid for by LSTP.

LSTP has found that some of the larger Legal Services projects can conduct their own lawyer training, although these projects usually require additional funding. Some medium-sized projects can develop a consortium to serve the training needs within an area or state. These consortia, however, had trouble staying organized, were unwieldy, and usually needed both outside money and expertise. Efforts of projects to depart from the training retreat format were unsuccessful. The trainee lawyers were distracted by being near their homes and offices and often tried to handle their office work while receiving training. Despite efforts to disseminate training in the field, LSTP continues to provide 80-90 percent of the organized skills training to lawyers.

The evolution of paralegal training in Legal Services has confirmed many CSA perceptions regarding lawyer training:

1. The educational system in the United States provides no training in the skills required for handling legal problems.

2. The Legal Services backup centers, which offer substantive law conferences and written materials do not fulfill the need for training.

3. Most projects are incapable of conducting effective training, and on-the-job apprenticeship training is inadequate to meet the needs.

4. Dispersing training funds to individual projects would be inefficient, cause duplication, and probably result in low-quality training.
5. The optimum format for staff training is through short, intensive training in a retreat setting.
6. A few larger projects can, with added resources and outside assistance, do their own training.
7. Abandonment of the retreat setting substantially reduces training effectiveness.

Following is a summary of the evolution of paralegal training in Legal Services and the training work of NPI. Only about half of NPI's work is devoted to training and training materials. For a complete description of its work, a paper entitled "Goals and Functions of the National Paralegal Institute" is available from NPI on request.

Paralegal utilization began in Legal Services with the need to involve memebers of the client community in the delivery of legal services. Unfortunately, many early paralegals were hired for the political cover they could provide and not for their potential as paralegals. Paralegal roles were confused; community organization, outreach work, and inoffice work were not clearly distinguished. No training was provided. Many project directors felt that laymen had no significant role in Legal Services, and as laymen departed, directors replaced them with lawyers or simply used the salary savings to meet rising costs.

In the late 1960's a few innovative projects recognized the potential for carefully selected and trained paraprofessional personnel to meet overwhelming caseload increases, particularly in the areas of divorce and welfare. These projects restructured their offices and found that, when taught to handle routine cases, paralegals could do the work of lawyers and were willing to accept lower salaries. These experiments led to a rapid increase in the use of paralegals. By 1971 there were between 300 and 400 Legal Services paralegals. However, the field was developing chaotically. While projects recognized the importance of training, they lacked the necessary competence and resources to provide it. To help structure the development of the paralegal field and to meet the training needs of projects, OEO created NPI.

Initially, NPI supplied technical assistance and developed materials. However, it was soon apparent that, even with NPI materials, the same lack of expertise, personnel, time, money, and other resources that prevented projects from offering lawyer training, also prevented them from conducting effective paralegal training. When such training did occur, it was usually inefficient because, like lawyers, paralegals were hired one or two at a time and therefore had to be trained in small groups. Thus, the problems of paralegal training were almost identical to those of lawyer training. NPI then assumed the task of developing, testing, and delivering training with a carefully developed curriculum.

Of the 70 or more paralegal schools in the country, no more than half a dozen provide even a general background relevant to Legal Services paralegal work. These schools generally present an overview of the legal system and may teach some domestic relations and office administration as part of a program aimed at jobs in private law firms. Only the University of Massachusetts in Boston and Antioch Law School are known to offer training appropriate to a paralegal working in the public sector; however, even these schools focus on a wide range of legal institutions and areas of substantive law to give their graduates reasonable opportunities for employment. In short, no educational institution prepares paralegals to work effectively, without intensive further training, as Legal Services paralegals. There are no indications that this situation is about to change. Thus, Legal Services must supply its own paralegal training for the indefinite future.

Because of their dissimilar educational backgrounds and frequently different functions, paralegals need different training from lawyers. Unlike young lawyers who primarily need to learn lawyering skills, paralegals need to be introduced to the legal system, understand the paralegal's role (i.e., a functional and professional identity), and be taught specific fields of substantive law. They also need to know how to relate facts to law, and to be trained in skills such as interviewing and administrative representation.

Another fact to consider in reviewing paralegal training for Legal Services is that paralegals can be trained only after they have been hired. Any other approach risks training those who will not find Legal Services jobs and hence is wasteful of limited resources. This usually means that the paralegal must be taken off the job to be trained and must be paid during training. By necessity, therefore, training must be brief and condensed--another reason why college-based training has been inappropriate for Legal Services paralegals.

THE NEED FOR PARALEGAL TRAINING

NPI's questionnaire to projects indicates that the number of paralegals in Legal Services projects rose from 451 in 1972 to over 1,000 in 1974. If it is assumed that this was a steady increase, these figures indicate that, during the 2 year interval, 280 new paralegals entered Legal Services annually. Virtually none of these paralegals had received prior relevant training. While all indications point to increasing utilization of paralegals in Legal Services, it is difficult to project a rate of increase over the next few years. Much depends on funding levels; availability of VISTAs and other outside funding; utilization of volunteer personnel; sophistication of project directors in organizing delivery structures that utilize paralegals effectively; and availability of training to convert novices into qualified personnel. Recent trends indicate continued expansion. There is no sign that projects have reached a saturation point. The ratio of paralegals to lawyers is 1:2. However, many think the ratio will reach 1:1 and beyond. Even now, many directors convert lawyer slots into paralegal slots as an efficiency measure.

Turnover must also be considered in determining training needs. Statistics indicate that the paralegal turnover rate is 20 percent annually. If this figure is applied to those currently employed, we see that approximately 200 new paralegals will enter service next year, without any increase in the total number of paralegals in the Legal Services program.

The exact number of paralegals requiring training in any given year is impossible to determine. However, statistics suggest that between 200 and 500 new paralegals will be employed annually over the next several years to fill existing or new slots. In addition, each year between 100 and 200 paralegals will begin advanced-level work in a specialty that requires additional training. Finally, many employed paralegals never have received training. Almost all of the needed training will have to come from within Legal Services.

Currently, NPI trains approximately 150 paralegals yearly and assists others in training about 125 more. This includes beginner paralegals and those receiving specialty training. The need for more training is obviously significant.

THE TRAINING CURRICULUM

In 1972 NPI staff visited and gave technical assistance to more than 20 projects nationwide. In the course of these visits, it was learned how paralegals were being utilized and what training would be of maximum benefit. It was consistently found that project directors and paralegals were eager for training and that projects had inadequate facilities and competence for training.

Paralegals sought training in many subjects: general legal background, case-handling skills, and specific substantive areas of law. Project directors and lawyers were inclined to be interested in narrower training so that paralegals could handle specialty areas more effectively. Project directors, while enthusiastic about the potential of paralegals, had few specific suggestions regarding curriculum or training methodology.

Experience subsequently showed that paralegals needed substantial training in the roles of paralegals. Most paralegals have not received a clear, affirmative definition of their functions and have had little opportunity to consider the concept of paralegal work as reflected in Legal Services projects. It has proved essential that paralegals be able to develop a clear concept of their work.

After NPI concluded its initial research, it designed a curriculum. Time and funding constraints, however, have prevented presentation of the original curriculum, which encompassed 2 weeks of 8 hour a day training. It was felt that such intensity would overwhelm paralegals and that they would have difficulty taking that much time away from their jobs. Travel costs precluded breaking the training into two sessions. Therefore, the most critical features of the basic curriculum were selected and shaped into a 1-week intensive retreat program. The first program focused on administrative representation in welfare hearings, which at that time was the subject in greatest demand by paralegals and project directors. (Appendix C, a training schedule for an administrative representation session, illustrates the scope and scheduling of a typical session.)

The initial curriculum, as well as the training program developed from it, has been modified as NPI gained experience by training over 300 paralegals and by giving technical assistance to many projects. Additional training programs, for beginner paralegals (those on the job less than 6 months) and for those handling Social Security and Supplemental Security Income, have been added.

TRAINING METHODOLOGY

After reviewing traditional and more progressive forms of legal training, NPI decided to use a variety of methods to train Legal Services paralegals: reading, lectures, panels, discussions, individual tutoring, video tape demonstrations, live demonstrations, and simulations. The spectrum of methods moves from those that focus on the traditional acquisition of legal knowledge to those that focus on the application of legal knowledge in everyday situations. Since the training goal is the application of knowledge to serve a client, heavy emphasis should be placed on preparing the trainee to exercise skills. Traditional teaching methods alone fail to prepare the trainee to handle the fluid relationship between legal knowledge; a developing set of facts; intermediate conclusions; the need to make concrete decisions; and the conversion of those decisions into action.

Thus, NPI decided that the best use of the various methods was in a problem situation closely resembling real life. Handling such a problem requires using the same skills in the same sequence as in an equivalent real-life situation. The problem hinges on a series of role-plays that simulate the events in a case and establish a model of conduct through direct experience. The problem is broken into parts that are prepared for and illuminated by reading, research, discussion, and live demonstration. Each role-play is followed by a confidential discussion of a trainee's performance with a trainer/observer and then by a videotape demonstration of the same role-play conducted by an experienced paralegal. The videotape is then critiqued by the trainees to encourage further analysis of skills and to help them solidify their grasp of those skills.

Paralegals and evaluators of the training programs feel that the problem approach has been highly successful for teaching both skills and substantive law.

This approach engages the paralegals fully, demands their personal commitment, challenges them, and compels them to learn both the skills and the law underlying the problem.

Materials

For each training program, NPI has developed an integrated set of written and videotape materials. Normally it takes 3 to 4 months to design and package the materials for a particular program. These materials then require testing in a training session and additional time for revision. The written materials for the administrative representation program consist of approximately 500 pages (including instructions for trainers). These materials can be provided to trainers in the field (at a cost of $25 for materials and $75 for three video tapes) although few projects have the staff or resources to use the materials in the intensive forum for which they were designed.

In addition, NPI has developed written pamphlets for use by paralegals who cannot attend the training programs and to supplement the training received by those who do attend. While these materials are no substitute for a formal training program, they offer discussion and exercises in basic concepts in both skills and substantive law. Substantive law manuals for paralegals are available in SSI, disability and AFDC.

Training Format

The training programs normally begin with a discussion of paralegals' roles and other "generic" courses, such as advocacy and professional responsibility, unauthorized practice of law, legal research-introduction to the legal system and legal terminology, and an overview of public benefit programs. During the third day, the trainee is introduced to a hypothetical problem by conducting an interview with an actor playing a client. Thereafter, the problem becomes a vehicle for imparting basic concepts and skills in interviewing, investigation, negotiation, evidence and fact-law analysis, and hearing representation.

Because training requires uninterrupted concentration from trainers and trainees, it takes place at an overnight retreat at a comparatively isolated location. A departure from this practice, when training was done at a site adjacent to the Legal Services office, confirmed the deleterious effect that office distractions and inability to meet after formal sessions have on both trainees and trainers. Isolation also helps establish valuable rapport between paralegals and trainers and provides a greater opportunity for study and preparation.

Personnel and Logistics

Before discussing training options and alternatives, there are certain essentials for any effective training which should be discussed.

Trainers

One of the most crucial qualities in a trainer is interest. Those who participate as trainers must do so because they are committed to the use of paralegals. A training program can be seriously damaged if people are assigned to be trainers without regard to their interest.

Paralegal trainers should be part of any paralegal training team in order to provide role models and to overcome the awkwardness many paralegals feel in relating to lawyers.

All trainers should be freed from regular duties to minimize conflicts between demands of training and demands of office work. This is particularly true where short-term, intensive training is involved. In the case of long-term training, the trainer should have his normal workload reduced so that he can invest the necessary time in his training responsibilities.

Trainers should be experienced teachers who can relate to the needs of paralegals. They should have the ability and confidence to motivate trainees and conduct lively, stimulating sessions.

Young, inexperienced lawyers seldom make the best teachers. Many projects have difficulty freeing the more mature, seasoned lawyers who may make good trainers. Often such people are too interested in their caseload or law reform work to be attracted to paralegal training.

Trainees

NPI prefers to train paralegals who have had at least some contact with clients. This helps assure that the trainee will appreciate the value of the training and have at least a rudimentary understanding of how a Legal Services project functions. NPI is also careful to ascertain that the training is relevant to the paralegal's present or prospective job. It is dangerous to train a paralegal for a position he will not be allowed to assume. For example, if a paralegal's sole function is drafting divorce papers, providing administrative representation training is not particularly productive. If such a person takes the training he can become disillusioned and disappointed.

Logistics

While this subject would seem to merit little attention, NPI has found that strict attention must be paid to countless details to ensure a smooth-running program. In particular, the training program coordinator must carefully select the training site, provide an accurate schedule for both trainees and trainers, select and train actors and actresses for role-plays, provide audio-visual equipment and, when necessary, arrange for travel, room, and board and reproduction and packaging of materials. If any of these details are ignored or mishandled, a training program can fall into disarray.

Delivery Alternatives

Before creation of NPI, most Legal Services paralegal training occurred on the job. Project training formats have varied from practically no training in most projects to training of considerable sophistication in several projects. One project developed a solid 6 week training program for its paralegals (emphasizing study of community resources and institutions); another combined its in-house training with 3 weeks of study at a program specially developed at a law school.

In general, training has been a variation of the apprenticeship model. The results of apprenticeship to young lawyers in Legal Services programs, unskilled themselves in many aspects of their profession and inexperienced as trainers, have been generally unsuccessful.

Paralegals are seldom satisfied with such training, and project directors, lawyers, and paralegals all express the need for outside training.

Because NPI, with a limited budget, could not meet all the training needs of Legal Services projects, it attempted to develop alternative delivery systems. Training on a project-by-project basis held little promise, with a few notable exceptions discussed below. Therefore, over the last year and a half NPI has experimented with a regional training model, designed to export training via teams of trainers composed of lawyers and experienced paralegals selected from Legal Services regions. Teams of trainers were assembled in Regions III, V, and VIII and provided with curricula and written and video materials. NPI staff trained the trainers and helped them deliver their initial training programs. The trainee-paralegals were drawn from projects in the same regions. The results of these experiments, while favorable in part, have demonstrated that this regional model, has drawbacks.

One drawback is that operating projects (even when organized into a consortium) have neither the expertise nor the time and resources to perform the multiple activities necessary to organize and conduct effective training. For example, in Region III, although one project assumed responsibility for organization and logistics, there has been only one training session in the year since the training of trainers. The CSA regional office could supply only limited assistance. In Region VIII, a carefully selected law professor not directly connected with a Legal Services project, organized the training and these sessions went considerably better. However, this was done under a supplemental grant from CSA with enough money to hire an outside coordinator to handle logistics.

In Region V the trainers were trained and the initial program delivered with heavy NPI participation over a year ago. Since that time no further training has been organized, and the training team seems to be permanently disbanded.

There is evidence that problems arise from inadequate regional resources and the vicissitudes that beset operating projects: expanding caseloads, staff turnover, inadequate funds, and organizational crises. Moreover, since the principal expense of training is room and board, plus travel, of trainees and trainers, the cost of regional training (about $8,000 for 24 paralegals) is about the same whether presented by NPI staff or by regional trainers.

Another reason for opting against heavy reliance on regional or project-consortium training teams is that the quality of trainers selected by project directors tends to be uneven--directors sometimes select inexperienced or expendable people. Moreover, it is difficult to assess trainer candidates in advance. Even those with potential to be effective teachers usually need more training experience than NPI can provide.

CSA evaluators at one NPI training program have urged that exportation of training through regional offices or project consortia not be substituted for NPI training programs.

In searching for the most efficient way to deliver training, much consideration has been given to the regional model. Three factors seem to be necessary for successful regional training. First a coordinator must be chosen from within the region who has the time, motivation, and understanding of training to set up the event and handle the logistics. Second, the training team should consist of paralegals and attorneys with proven training skills and who are familiar with training materials. This means reliance on a cadre of about 25 trainers developed by NPI over the last 2 years, instead of trainers nominated by the projects. Third, one or two NPI staff should work with the training team to provide expertise on materials and logistics.

While such an approach might render regional training feasible, it would involve no significant savings of funds over the existing approach. It would, however, permit increased training activities by NPI and would also free NPI staff to develop additional training materials. Since maintaining a permanent regional training staff would be inordinately expensive, NPI would assemble the trainers as needed and maintain the other functions it performs on a national basis. NPI might organize training sessions involving several regions for example to deliver highly specialized programs.*

Given the limitations of regional exportation NPI has considered other forms of delivery. The first is exporting smaller, more manageable training packages directly to projects that can effectively use them. These packages, while no substitute for the full training programs, are structured either to improve on-the-job apprenticeship training or to proceed and follow NPI training as a supplemental, continuing education program. They would also provide materials to train paralegal coordinators and supervisors.

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* It is unlikely that paralegal training costs will fall much below what they are now so long as paralegals are given intensive training. To train a paralegal in basic skills in a substantive specialty area costs a minimum of $250 to $300 (travel, room and board, materials). These figures are comparable to the cost of LSTP lawyer training. Such costs are not out of line with general education costs around the country. The Federal Government, as a rule pays $100 to $150 a day for training employees. At the Federal rate, NPI training would cost $600 to $900 per person for a 6-day training program.

Paralegals need a variety of knowledge, skills, and experience to progress from beginner to a fully competent practitioner, and intensive training supplies only part of those needs. For example, only the projects in a given state can provide an effective knowledge of state and local law. To support and encourage project supplementation of intensive training, NPI has prepared a guide for training, utilizing and supervising paralegals for use by projects. (See section II of this report.)

An alternative, which would provide considerable efficiency, would be to train paralegals from the eastern half of the country at a permanent training site in Washington, D.C. A cost analysis made by NPI in January 1975, indicates that some savings would result despite increased paralegal travel costs. An important factor in considering this approach is that the staff could provide more training because substantially less energy would be expended in exhausting travel and logistics. This approach should permit NPI to add three or four training programs a year for the extra cost of paralegal travel, room, and board. No additional staff would be needed, since some of the outside cadre of trainers developed in the last 2 years would be used. Since NPI currently trains approximately 150 paralegals a year (6 programs for groups of 24 to 26 each), this increase would mean training about 250 paralegals a year.

If the decision is made to expand paralegal training resources, a permanent facility has much to recommend it. A logical extension would be to develop a training site in the West. The two training centers could work with stable training agenda free from the demands of excessive logistical problems. An increased flow of regularly scheduled training should result.

Serious consideration also has been given to training paralegals in groups of up to 100 in order to achieve economies of scale. While such an increase does not reduce the number of trainers, travel costs, or costs of food, lodging, and materials per trainee, it does reduce other costs. Such training is feasible; however, the slight increase in savings per trainee is not worth the diminished results. NPI and its evaluators agree that approximately 24 trainees is a "critical mass" for providing the right interchange of ideas, experiences, and energy. In larger groups, these important forces tend to dissipate.

Another development in the delivery of paralegal training should be discussed. Approximately 8 major projects around the country have developed paralegal units of up to 24 paralegals. Most of these projects use VISTA volunteers or have received major grants from non-CSA sources. Many of these projects have appointed full-time paralegal coordinators who are experienced trainers. Given the curriculum preparation of NPI, the presence of an experienced, full-time trainer/coordinator, and, usually, supplemental funding, these projects can perform their own training. Sometimes they can assist neighboring projects as well. NPI, in most cases, need only supply materials and occasional technical assistance. These projects are a major exception to the rule that projects cannot conduct full-scale training. (See section III for a model for such training.)

A drawback to the training these projects offer is that the training must usually be spread out over several months with a resulting loss of intensity in the role-play sequence. This loss is offset by the fact that the program can cover more of the available curriculum than can be encompassed in a single intensive program and can focus heavily on state and local law.

As the paralegal movement continues to expand, additional large projects may be able to conduct in-depth training with minimal NPI assistance. This stage will be characterized by utilization of a sizable number of paralegals, designation of a fully qualified trainer/coordinator, and separate paralegal grants supplementing the basic project grant.

To aid in this development, NPI is involving four project-based paralegal trainers in each of its training programs. The intention is that the large projects in Legal Services will be able to train their own paralegals, just as under tutelage from LSTP some can now train their own lawyers. With NPI continuing to develop courses and materials and to train project-based paralegal trainers, this development may substantially increase the amount of available paralegal training.

Most projects, however, will continue to look to NPI for training, supplemental materials, and guidance in utilizing paralegals. In this fast-breaking field, a national organization will have to continue to coordinate developments, produce new materials, develop new training techniques, and refine roles and functions.

MODELS FOR ORIENTATION, SUPERVISION, AND UTILIZATION OF OUTSIDE RESOURCES

The information in section II on structure and utilization is relevant to almost all projects. It is at the training stage, after hiring and orientation, that distinctions arise between projects of different sizes. A model for paralegal training for large projects with substantial resources is found in section III.

This section, while relevant to all projects employing paralegals, is particularly directed to the small to medium-sized Legal Services programs that establish paralegal components but lack sufficient resources for a full-scale training program. Such programs are still obliged to provide training opportunities to their paralegals. If programs are unwilling to make such a commitment, paralegals should not be employed. It is a disservice to clients, and a violation of the Legal Services mandate, to provide services by untrained persons who learn at the client's expense. An initial expenditure of resources should have a long-term payoff in both quality and quantity of services to clients.

TRAINING DURING THE ORIENTATION-APPRENTICESHIP STAGE

The orientation-apprenticeship stage should be an intensive learning and evaluative stage. The supervisor must make an initial assessment of the attitudes, knowledge, and skills the paralegal brings to the job. Based on that assessment, assignments can be made and tentative goals established. Since supervision is an ongoing process, learning tasks can be accelerated or slowed down, depending on the paralegal's progress. Ultimate responsibility for cases rests with the supervisor. The supervisor is also responsible for meshing assignments with other parts of the orientation and training program.

Developing learning experiences involves combining different ways of learning, such as observation; simulation exercises, such as role playing; study; writing; discussion; and doing.

A learning sequence might be developed as follows. The supervisor selects a client with an interesting problem which seems clearly presented from the information in the case record. The paralegal reads the case record, as well as study material selected by the supervisor (with help from the paralegal coordinator) in the substantive law related to the problem. Supervisor and paralegal then discuss the problem, as well as the kind of questions that must be asked in order to act on it. The paralegal then sits in on the fact-finding interview as an observer. Before this can be done, the client's permission must be gained, thus providing an opportunity to discuss "confidentiality."

The paralegal is asked to write up what occurred during the interview, including a description of the client; a summary of the information gathered; a determination of the problem or problems; a plan of action; and impressions of interviewing skills, such as establishing rapport and listening to the client.

Supervisor and paralegal disucss the written material, clarify the issues, and engage in role-play so that the paralegal can demonstrate how he might have handled the interview. When dealing with skill such as interviewing it is important to engate the paralegal in doing, rather than just talking. It is equally important to support the paralegal's efforts in role-play so as not to discourage him. This means that criticism must be given in a positive context of emphasizing good points as well as bad.

The supervisor might next assign the paralegal investigative work, such as securing documentation. When the documentation is secured, there is discussion about the completeness of the documentation and any problems encountered in securing it. Again, such issues as getting the client's written authorization to secure documentation can be discussed.

The next step might be either to have the paralegal sit in on a followup interview or start on a new case with an initial interview with another client. Ideally the paralegal should follow a few cases from observation to final resolution of the problem.

At some point the supervisor decides that the paralegal is ready to interview a client himself with the supervisor as observer. The same careful process of study, discussion, writing, analysis, and role-play takes place.

Finally, the supervisor decides that the paralegal can interview a client alone. At this stage, study, discussion, writing, and role-play become even more important.

AFTER THE APPRENTICESHIP STAGE

When the orientation-apprenticeship stage ends, there should be a thorough written and oral evaluation of the paralegal's performance, analyzing his strengths and weaknesses.

At the conclusion of this stage there should be a discussion of the ongoing supervisory process. With the paralegal's gradual assumption of more cases and responsibilities, there may be a gradual withdrawal of very close supervision. Instead of discussing every case extensively, the supervisor may review written case records, selecting for discussion only those cases in which the supervisor has questions and/or in which the paralegal has requested help. Those areas pinpointed during evaluation as needing strengthening are given special attention. At least once a year, there should be a formal evaluation similar to the one at the end of the apprenticeship period.

There should be continuing consultation between the supervisor and the coordinator about ongoing educational needs. And, of course, the supervisor is responsible for providing followup for outside training.

FOLLOWUP BEGINNERS TRAINING PROGRAM

It is assumed, based on recommendations in prior sections of this report, that new paralegals will be sent to NPI's Beginners Training Program sometime around the third month on the job. Paralegals usually return to their programs from NPI training very enthusiastic about both the training and utilizing their new knowledge. However, unless there is followup on the training, much of the benefit is lost. In order to maximize learning, it is necessary, first, for the paralegal-coordinator and supervisor to know what was taught. The next step is to plan a program, together with the paralegal, which will build on the outside training. Some possibilities are:

1. Legal research: Develop research assignments and help paralegals to use the law library and other resources.
2. Unauthorized practice: Review with the paralegal specific state laws and also the safeguards built into the Legal Services program to protect the paralegal, e.g., supervision. Emphasize the mutual responsibility of paralegal and lawyer.
3. Skills training: Provide opportunities in the supervisory process for developing skills, through role-play and critiquing, as well as through observing the paralegal in the actual performance of such skills, with followup critiquing.
4. Substantive law: Depending on the specialty of the paralegal, plan to have sessions reviewing the law, as well as assigning selected study materials. Since the paralegals should understand the basic concepts, it should be much easier to teach specifics of the law. Again, a combination of lecture, study assignments, and role-play should be used.

UTILIZING RESOURCE MATERIALS

NPI has been involved for the past few years in developing a range of teaching and study materials, films, and video tapes, many of which are available for rent or sale. A list of these materials is attached as appendix D.

The paralegal coordinator should review all available material to see how it fits in with the educational needs of the paralegals.

One set of material, designed for in-house training, focuses on skills training. It includes both trainee and trainer handbooks, as well as a film entitled "Paralegal Interviewing: Fact-Gathering and the Human Perspective." The trainer's handbook offers suggestions on training in general and provides exercises in developing interviewing skills. The section on role-play should be particularly useful to supervisors who want to utilize this technique with their paralegals.

Several advocate's handbooks on substantive law are available, including one on SSI and another on AFDC which are suitable for paralegals to use both for training and for reference.

Another book, Teaching Advocacy: Learner-Focused Training for Paralegals, deals with a range of educational issues and focuses especially on the role of the supervisor as educator. It includes a number of role-play exercises.

USING OUTSIDE RESOURCES

The use of outside resources is especially important in developing an ongoing training program. The paralegal coordinator should be aware of any training programs sponsored by other agencies, including nearby Legal Services offices and other social agencies. He should seek out the programs that might be useful to paralegals.

Another long-term resource possibility is the community college system. Most community colleges are making greater efforts to meet the needs of adults, and there has been a surprising increase in the number of paralegal programs. Most of these programs, however, have developed without input from the public sector, including Legal Services programs. Most community colleges would be happy to allow a Legal Services representative to serve on an advisory committee. In the event that no program has been developed, the community services division or adult education division of the public school or community college system should be contacted and asked about the potential for developing such a program.

Possibilities range from summer workshops to a full

2-year course for credit. In some colleges programs have been developed which give credit for on-the-job performance with other courses being given at night for the convenience of working paralegals.

In view of the national move toward accreditation, it is important to take part in the development of training programs to insure that they meet the needs of Legal Services.

Finally, NPI does advanced specialty training. NPI already has programs for teaching substantive AFDC, SSI, and Social Security disability law coupled with skills training in interviewing, investigation, negotiation, and representation at an administrative hearing. These programs should be made available to paralegals involved in specialization. New programs in consumer law, unemployment, and areas particularly important to senior citizens will be developed in the next year.

MODEL FOR TRAINING BY LARGER PROJECTS

INTRODUCTION

This report assumes that every Legal Services program which employs paralegals is willing to make a commitment to paralegal training. The preceding section described types of training available for small to medium-sized programs that lack the resources for a full-scale training program. This section will discuss additional training possibilities for those Legal Services projects with the capacity to conduct their own in depth training programs. It will also present a model training format.

ELEMENTS NECESSARY FOR FULL-SCALE TRAINING CAPABILITY

Every Legal Services project can and should conduct the type of in-house training and supervision discussed in the preceding section. Necessary elements to make full-scale training feasible are money, large numbers of paralegals, and the capacity to develop localized training materials.

Money

There have been no Legal Services projects to our knowledge that have been able to organize a full-scale paralegal training program* without receiving supplemental funds. This funding has come from Federal and state sources as well as from private foundations. One important function of the paralegal coordinator is to try and locate supplemental funding sources.

Large Number of Paralegals

To justify the investment necessary for full-scale training, a project should have a sizable number of paralegals to train. These may include CSA-funded paralegals, VISTAs, or paralegals on loan from a CAP agency. According to a 1975 NPI survey, there are approximately 25 projects that meet the criteria for conducting full-scale training.

Design of Training Materials

Once a project has the desire and ability to conduct full-scale paralegal training, it must determine an appropriate training format and design materials to be used.

The following section offers a model training format which a Legal Services project could adopt to deliver its own paralegal training. It explains how such a program should be organized and discusses some necessary materials.

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*"Full-scale" is a relative term, intended to mean a number of carefully designed sessions lasting 3 or more days, using materials written particularly for Legal Services paralegals. A program roughly equivalent to a semester course (45 hours) of organized teaching would be full scale.

Following presentation of the training model, some of the training materials developed by NPI will be discussed. These materials have been revised and refined through actual delivery of training and evaluation of its impact on paralegals. An individual Legal Services project can draw in whole or in part on these materials as it develops its own model.

Over the past 3 years NPI has developed an approach to training which has been well received by paralegals and by several teams of evaluators. NPI's training philosophy is that skills relating to substantive law should be integrated through hypothetical problems, role-play, and analysis of the problems posed by a simulated case.*

DETERMINATION OF THE NEED AND PLANNING FOR THE TRAINING

Before developing a comprehensive training program for paralegals, the need for training should be assessed. The first step in such an assessment is to evaluate the service needs of the client community. What kind of legal problems do the clients have? How is the project meeting their needs? Will systematizing divorce cases and turning them over to paralegals free lawyers for other functions? Or is the administrative caseload such that AFDC and SSI specialist paralegals are needed? Will paralegals function best in specialty units or in smaller neighborhood offices?

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*In a study funded by the Office of Education, the American Association of Community and Junior Colleges similarly concluded that the education core of paralegal training should emphasize skills development.

Once a project has decided what paralegal functions will be, a training plan can be developed. The plan should reflect office structure, degree of available lawyer supervision, educational level of paralegals to be hired, and functions they will perform (and where known, the anticipated duration of their employment).

Trained paralegals are usually specialists, but some projects use them as generalists. The training needs of the two differ, just as training needs for full-time, permanent staff may differ from the needs of temporary staff.

PARALEGAL COORDINATOR

The success of a paralegal program is probably more dependent on the paralegal coordinator than on almost any other factor. Section II of this report discusses the coordinator's responsibilities. In a project which conducts intensive, full-scale training, a coordinator will also be responsible for organizing the training program. Other responsibilities will include seeking additional training funds; coordinating design of the materials; organizing and preparing a training team; designing a schedule; acquiring facilities; and supervising the training program.

PROGRAM DEVELOPMENT

This training model is designed for paralegals who will specialize in administrative law. It provides for training in basic legal skills, such as interviewing, investigation, fact-law analysis, negotiation, and presentation of evidence at administrative agency hearings. In addition to skills it allows a project to train in two areas of substantive law. This model is designed for training paralegals in groups or multiples of four. Each group covers one area of substantive law. Basic methods of training are lecture, open discussion, and role-play.

The following summarizes the sequence of events for a 4-day intensive training program. Every session begins with the trainer presenting a summary of the session, including purpose of the session, material to be covered, method of presentation, and how the session fits into the overall training program. Events are listed as they occur. Sample master and trainee schedules follow the narrative.

THE CURRICULUM

Introduction to the Training Program

This session is scheduled for 1 hour. Its purpose is to provide an overview of the training program and logistical information, introduce the training staff, and allow the trainees to ask general questions about the training.

Social Hour

A social hour is scheduled for the first night to enable the trainees and trainers to meet informally. The project should pay for refreshments and all trainers should attend.

Unauthorized Practice

This session is scheduled for 2 hours and is taught to all trainees simultaneously. The session acquaints paralegals with the concepts of authorized and unauthorized practice of law. It begins with a description of the session and an explanation of the sources of unauthorized practice rules. Key issues are then dramatized.

In order to highlight and discuss these key issues NPI has designed a hypothetical, three-count complaint charging a paralegal with unauthorized practice of law. After the paralegals have had a chance to discuss a count, two trainers, playing the roles of counsel for the bar association and defense attorney for the paralegal, present arguments on each side of the issue. A third trainer serves as judge-moderator and leads the discussion. The moderator also tells the paralegals what the prevailing legal rules are for each issue and highlights any local or national trends.

Advocacy and Professional Responsibility

This session is scheduled for 2 hours and 15 minutes. Both groups participate simultaneously. Three trainers are needed.

The purpose is to get the trainees to discuss some of the basic ethical questions encountered when performing as an advocate in a Legal Services project. The ABA Code of Professional Responsibility, particularly the nine Canons, and ABA Formal Ethics Opinion 334, dealing with advertising and solicitation rules, are discussed. Next, several situations are presented through role-play by the trainers. These situations illustrate such problems as a client who lies, confidentiality, conflict of interest, disagreement with the goals of the client, dislike of a client, and caseload management. The trainees can engage in discussion and participate in role-play as they seek an understanding of the issues raised.

Review of the Substantive Law and Introduction to the Problem.

In this session, scheduled for 4 hours, the groups are divided into two specialty groups. One trainer is required for each substantive law section.

The purpose of this session is to provide a comprehensive review of substantive law concepts; describe the role the paralegals will assume during the next stages of the training program; and distribute and discuss the law of the problem (usually statutes and/or regulations). Documents that will be used during the rest of training will also be described.

The design of the two substantive law sections should be based on local or state law.

Before the actual training session trainees should receive an overview of substantive law and familiarize themselves with the specific area they will be working with. This should include information about the structure of the agency(s) administering the law, the regulations governing the agency, and the procedures used by the agency.

Review of the Law of the Problem

This session is scheduled for 1 hour. One trainer, well acquainted with the law, should conduct this session. Its purpose is to review the law to make sure that each participant can understand and use it. This can best be achieved by developing a set of programmed-learning problems, based on the law, which are distributed after the introduction to the problem. The trainees should complete these problems before this session. This review then reinforces what the trainees have already worked through.

Legal Research: Introduction to the Legal System and Legal Terminology

This session scheduled for 2 hours, is conducted by one trainer.

This has always been one of NPI's most popular courses. Paralegals generally come into the course quite mystified about the structure of the legal system, legal terminology, and legal resources. They should leave with a clear understanding of the legislative and judicial systems, both state and Federal, how to use a series of law books, and how those tools relate to each other. NPI provides a simple welfare problem. The trainer can lead the trainees step-by-step through the *United States Code Annotated* (and its pocket parts), United States Reports, Shepard's United States Citations, the Code of Federal Regulations, and the Federal Register. As a result of this course, many paralegals gain the confidence to use the resources of the law library.

Interview Components

This session is scheduled for 1 1/2 hours. It is conducted by one trainer. The overall purpose of the interview sequence is to teach paralegals the importance of conducting a skilled client interview, including such elements as the relationship between the client and the paralegal and gathering and assessing facts.

The session concentrates on three parts of an interview that have been troublesome to paralegals: (1) the paralegal's greeting of the client, (2) the explanation given to the client regarding the paralegal's role, and (3) the paralegal's explanation of the procedures necessary to resolve the problem.

Interview Role-Play and Comments

Two hours are allowed for this session. The purpose of interview role-play is to enable the paralegals to conduct a client interview with a trainer present to offer constructive comments. The interview should be based on a carefully constructed set of facts. The average interview lasts 45 minutes to an hour; the remainder of the time is devoted to comments. An actress should play the role of the client (see p. 201, supra).

Each paralegal should have an individual room in which to conduct his interview. The room should be arranged so that the trainer is as unobstrusive as possible. The trainer-observer must remain silent, taking detailed and, where possible, verbatim notes on the interview. Notes are essential for making specific comments on the trainee's performance.

The critique after the interview role-play must be conducted with extreme delicacy and sensitivity. Comments should emphasize good points. The paralegal should give a self-evaluation of the interview before the trainer's comments. Time might also be spent discussing basic elements of a good interview, relating them to the trainee's performance where possible.

At the end of this session, the paralegals should receive a set of stipulated facts upon which the rest of the training problem will be based. They should be informed that for purposes of continuity these facts will be used for the remainder of the training regardless of what they have discovered in their individual interview role-play.

Investigation

Three hours and 45 minutes are allowed for this session. Its purpose is to present various techniques for gathering, evaluating, and analyzing data. The session should begin with a discussion of simple, straightforward definitions of what evidence is, how it is gathered, and how it is used in an administrative case.

The second phase, "Fact/Law Analysis," is an exercise in setting out and analyzing the facts and law of the case, keeping in mind the concepts of gathering evidence to support the client's claim. Paralegals are given blank Fact/Law Analysis sheets and are allowed to work through one or two of the issues of the case with the trainer's assistance. At this point the paralegals have identified several potential witnesses. There should be a discussion of interviewing witnesses.

Preparation and Instruction for Negotiation

The purpose of this 3 hour session is to teach some of the concepts and skills necessary to negotiate. The session must establish a general conceptual framework for negotiation, such as the role of the negotiator, role of the client, analysis of the bargaining situation, development of the bargaining range, development of a negotiation strategy, and use of negotiations as a vehicle for discovery. The conceptual framework must then be related to the facts of the case.

At this point much emphasis must be placed on organizing the facts and the law. The trainees need the opportunity to think about and prepare tactics and settlement positions.

This session should also provide general instructions for the forthcoming negotiation role-play session; therefore, discussion should focus on preparing the case problem.

Negotiation Role-Play and Comments

The session is scheduled for 1 hour and 15 minutes. The trainees represent the client at the negotiation role-play while the trainer acts as the agency representative. Issues should be negotiated with a discussion or critique following.

The paralegal should be allowed to discuss and analyze his performance and the trainer should focus on the general skills of negotiation. It may be helpful for the trainer to first allow the trainee to discuss the performance. Then the trainer can trace the course of the negotiation through its various phases and discuss the trainee's plan and whether his strategies were successful.

Preparation and Instruction for Administrative Hearing

This section prepares trainees for an administrative hearing. Training materials should reflect the actual procedures used by state or local agencies in their hearings.

Preparation for a hearing is quite sophisticated and complex. Four hours are allowed for the session. The preparation and instruction phase should show trainees what actually happens at an administrative hearing.

Trainees are taught how to analyze the legal elements of the client's case, including applicable regulations; legal requirements which the other side must satisfy; and how to anticipate the opposition's case.

At the beginning of this session the trainer should review certain terms and rules of evidence used in the proceeding.

The hearing preparation also includes the following:

1. Organizing a hearing notebook.
2. Outlining the legal issues of the case.
3. Discussing each legal issue and the facts needed to prove the trainee's case and to disprove the opposition's.

4. Considering possible objections and cross-examination strategy .
5. Developing opening and closing statements.

Introduction for Client Preparation

After working on individual preparation of the case, the trainees meet with the trainer for 1 hour to receive instruction on client preparation.

The lack of adequate witness (actor) preparation has sometimes been a problem during trainee-conducted hearings. Immediately after this preparation session, an hour is spent preparing the witness. At that time, the trainees should explain the hearing procedures and brief the witness for direct and cross-examination. Major themes of the case should be discussed, including the strong and weak arguments of the case.

Hearing Role-Play and Comments

The session for hearing role-play and comments is 2 hours long. The trainer serves as an administrative law judge or hearing officer. The basic problem for the hearing officer is striking a balance between letting the trainee present his case and giving enough direction so that the trainee does not go off on tangents. The hearing officer should rule on evidence submitted by the trainee and, if the trainee is mistaken about a certain procedure, the trainer must be able to correct him without leaving the role of hearing officer.

The trainer should allow at least 45 minutes for comments at the end of the hearing.

Closing

Training may end in various ways. NPI recommends that the paralegals be brought together to discuss the training and to make suggestions and recommendations.

SELECTION OF PARALEGALS FOR TRAINING

The model provides for intensive and sophisticated skills and substantive law training and is recommended for trainees with at least 4 to 6 months of Legal Services experience, including some client contact and direct experience working on client problems.

Although selection should not be based solely on aptitude or educational level, a trainee must have good reading comprehension skills to deal with the case problem.

The paralegal's job assignment is the most important factor. The project must be prepared to allow a paralegal to use the skills acquired in training. While some skills would be appropriate for almost any paralegal work, this training is aimed at those who do, or will be doing, administrative law work.

Before the paralegal's arrival at the training site, he should have received precise information on the training program, facilities and living arrangements, travel reimbursement, as well as some of the training materials.

In addition, trainees should receive an overview of the substantive law to be covered and should have an opportunity to become familiar with the specific law to be used in training, including the statutes, regulations, and procedures of the agency administering the law.

THE TRAINERS

Once a project has decided to offer a major training program, it must assemble a training team. Good trainers are essential for good training.

A trainer must be thoroughly skilled and experienced in the subject he is to present. In order to discuss health law, a trainer should know substantive health law and be an experienced health law advocate. In order to teach interviewing, the trainer must have had interviewing experience and have analyzed the skill sufficiently to be able to make an orderly and cogent presentation.

Knowledge of basic substantive law is not enough to make a successful trainer. Trainers must be interested in and committed to utilizing paralegals. They must be able to perceive the needs of individual trainees and be sensitive to those needs. Where possible, paralegals should be part of the training team. In addition, to their substantive knowledge, paralegals provide effective role models and can deal with unique problems trainees may have in defining their jobs and status. Paralegals who have participated in NPI training as trainees might be potential trainer candidates.

A trainer must spend sufficient time preparing for the course. He should review all training materials and prepare an outline of each presentation for which he is responsible. A trainer should also participate in the trainer-preparation session, described below, if the project will be using NPI materials.

Each trainer should be totally freed from regular duties to prevent conflicts between training and office work. This is essential where short-term, intensive training is involved. In the case of long-term training, the trainer should have his normal workload reduced so that he can spend the necessary time in training.

A trainer should be able to organize and present material and information coherently and in a stimulating manner. Training must be viewed as more than traditional classroom lecturing or informational teaching. Each paralegal must have the opportunity to present views and develop skills.

RECRUITMENT OF TRAINERS

The training coordinator will need to devote substantial effort recruiting the training team. The coordinator should look for the qualifications mentioned above. The training that has been described works well only if trainers are concerned not only with the presentation of an individual training component but also with the success of the entire program.

Following are potential sources for recruiting a training team.

Attorneys and Paralegals Within the Project

The coordinator might first look to project personnel. Project staff should be part of the training team since they can explain how the project works and how various cases are handled. In choosing staff personnel, the coordinator will have to take into account not only the competence and interest of the individual but also the relationships between potential trainers and trainees.

Outside Trainers

Outside trainers may include attorneys or paralegals from other Legal Services projects that have done paralegal training. They may also include agency officials, court personnel, or private attorneys.

NPI Staff

NPI has a training staff that has developed and presented NPI course materials. Members of this staff are available to assist in individual training sessions conducted by a Legal Services project.

NPI Consultants

Over the past 3 years NPI has been assisted by outside consultants who have helped design and deliver paralegal training programs. A list of these consultants, who serve as part-time trainers, has been compiled and is available to any project conducting an individual training session. NPI considers any listed person to be a skillful, experienced trainer, fully familiar with NPI materials.

TRAINERS MANUAL

By using the training format described above, a project can use NPI materials to deliver its own program. In order to explain its materials and teaching techniques NPI has developed a trainers manual. This manual supplies a detailed, session-by-session description of how to conduct a training program, including a summary of each training document to be used.

The trainers manual explains the rationale for the curriculum's structure, its general goals, and the logistical considerations of running a program. It also describes concepts which can be communicated by the trainers and particular teaching techniques and exercises which have proved successful.

This manual can be used by any trainer who uses NPI training materials in whole or in part.

TRAINER PREPARATION

From experience in distributing training materials nationwide, NPI and CSA evaluation teams have reached the conclusion that using NPI materials along with the trainers manual may not be sufficient to enable a Legal Services project to conduct a successful training program. The individual trainers need a personal orientation to an NPI program in order to deliver it effectively. To meet this need, two methods of training trainers from Legal Services projects have been developed

One method is to invite trainers from the field to a regularly scheduled NPI training session. Trainers receive the materials, trainers manual, and schedule a few weeks in advance and are asked to arrive 1 day before the conference. This day is spent studying, with NPI's help, the techniques and materials to be used during training. At the conference, project trainers are primarily observers; however, they are also asked to help teach some of the sessions. After this 5 to 7 day period of observing and participating in the program, project trainers become familiar with the materials and how they are presented.

Over the past 6 months NPI has invited trainers from Regions, I, II, III, IV, V, XIII, and X to serve as observer-trainers. Each NPI session has included approximately four observer-trainers who were selected by the regional directors on the basis of their These trainers, having observed and participated in an NPI session, should be prepared to use NPI training materials within their project or region.

This method also helps create a cadre of qualified trainers in the field available to work with other projects.

The second method is to schedule a 2 to 3 day session explaining NPI materials and techniques to an entire training team. During this orientation NPI staff trainers explain the format of the program and any scheduling problems that may arise. The trainers manual and training materials are discussed with suggestions on possible changes to make the program more applicable to the individual project or region. Special attention is given to the techniques of getting trainee participation with emphasis on the role-play simulations throughout the training.

This method, used by NPI to train regional and state training teams in Regions III, IV, V, and VIII, could also be used for individual or joint-project training. This method of training is preferred when trainers are to take a leading (rather than observer) role in presenting a training program.

LOGISTICS

To insure smooth operation of the training program the coordinator must be aware of the many logistical details arising before and during training. Following are suggestions on how to avoid problem areas.

Facilities

Because of the intensity and demands of the training program, it should be conducted at an overnight retreat or conference center rather than at or near the office. This alleviates burdensome commuting, allows the trainers and trainees to get together for discussions and exchanges of ideas after class hours, and eliminates the distractions of work and family. If long-distance travel is required to reach the site, it is advisable that prearranged travel plans be made. Prepaid reservations made by the project will insure that all participants arrive and depart at the designated time.

In addition to sleeping rooms for the trainees and trainers the training site should have classrooms and at least one social area for participants to use after class hours. The number and size of the classrooms will vary with the number of trainees.

Scheduling

A copy of the schedule used for this 5-day training model follows this section of the report. The master schedule should be distributed to each trainer. The model is designed however, to be utilized to train in multiples of four. The number of participants may be increased by adding multiples of two to each of the groups (A and B). It is important that each class or subclass be limited to 12 participants. This assures full trainee participation.

The schedules of the trainees are staggered so that Group B receives Legal Research at the beginning of training and Group A receives it at the end. Staggering insures that the two groups never have a role-play session at the same time, thus reducing the number of necessary trainers, rooms, and actresses. An example of an individual paralegal's schedule is attached.

Actresses for Model Training

Actresses will be needed to play clients during role-play. They can be hired from the client community, university drama departments, and amateur or community theater groups. In order to make the role-play as realistic as possible, the actresses should be unknown to the paralegals. They should be able to credibly portray a client in a hypothetical case.

For the schedule designed for eight paralegals, four actresses are needed.

Each paralegal will conduct an initial interview with the client, have a chance to prepare her for the hearing, and have her serve as a witness at the hearing.

At least 1 week before the training, each actress should be given packets of materials for the roles. Each packet should contain the facts of the case, a chronological case history of the client, and any documents or forms that the client will possess in the hypothetical case. Actresses should be thoroughly familiar with the materials before they meet the trainers. A day or two before the first role-play, two trainers should meet the actresses and discuss their roles and schedules. It is helpful for the trainers to illustrate protions of a typical role-play situation to give the actresses some idea of how it will go. Any questions about the role should be discussed at this time. It should be stressed that the actresses must use only the given facts and not add to or change them.

The actresses should understand their importance to the entire training program. The part they play in the interview, client preparation, and hearing is important to the paralegal's learning experience. They must be prompt and know the facts thoroughly.

The cost of hiring actresses will vary depending on what region and group they are from. At $5.00 per hour, the cost of actresses for the model schedule would be $240. NPI recommends that funds be set aside to pay actresses. A professional performance and commitment to the job makes role-play a valuable learning experience. If money is not available, effort should be made to find a group sympathetic to the goals of Legal Services that would donate the necessary time.

THE BUDGET

The budget reflects the cost of training for 1 project with 12 paralegals and 5 trainers.

The budget assumes that:

1. The project will use NPI training materials.

2. The project will select trainers in consultation with NPI and that two NPI staff will be part of the training team.
3. NPI will have staff time available and permission from CSA to devote staff time to the program.
4. NPI staff time can be provided free, but the project will pay for NPI staff travel, room, and board.
5. The project will pay for training materials and other expenses related to training.

Budget

Preliminary 1 day trainer session	
5 trainers, room, and board @ $30	$ 150
Travel	
12 trainees @ $10	120
5 trainers: 3 @ $10	30
2 @ $150	300
Materials	
18 copies @ $30	540
3 video tapes @ $25	75
Room and board	
18 for 5 days @ $30	2,700
Classroom rental: 5 days @ $25	125
Miscellaneous: supplies, refreshments, etc.	200
Total	4,090

This is a minimum estimate and does not include the possible expense of preparing local law materials, using outside consultants, or transporting materials to the training site.

Three years ago, NPI was established to conduct studies and surveys, design training material, and prepare reports and recommendations for OEO. Since then, NPI has also been mandated to provide technical assistance, prepare and offer training programs, and experiment with various modes of training.

In 1972 the need for analysis, experimentation, training, and technical assistance was clear. It remains as clear today. The paralegal occupation is still evolving and its potential is far from fulfilled. The movement has emerged as a new occupation and paralegals are bringing about fundamental changes in the delivery of legal services. Five years ago there were a handful of paralegals in Legal Services. Today there are about 1,200. In some projects they handle almost 50 percent of the caseload.

The recommendations which follow are aimed at strengthening the utilization of paralegals in Legal Services, expanding knowledge about paralegals, increasing available training, and conducting experiments as a prelude to future policy.

The greatest single need is for training. The foregoing report establishes that paralegals are widely used, extremely effective, and desired in great numbers by projects. A paralegal is a layman trained in skills and substantive areas of law. Training resources at this time are insufficient. Without training, both on-the-job and formal, Legal Services will be subject to the charge that it is imposing unskilled and unqualified people on its clients.

Many steps need to be taken in addition to increasing the number of trainers. The following recommendations are not necessarily consistent with each other, and recommendations concerning training in particular require some choices among them. The recommendations are addressed both to the Community Services Administration (CSA) and the new Legal Services Corporation.

SECTION IV

RECOMMENDATIONS TO THE COMMUNITY SERVICES ADMINISTRATION AND THE LEGAL SERVICES CORPORATION

RECOMMENDATIONS

STATUS OF PARALEGALS

1. ESTABLISH COORDINATION WITH FEDERAL AGENCIES FUNDING PARALEGALS

As the report shows, slightly less than half the Legal Services paralegals are funded by outside sources, such as CETA, Older Americans Act, and VISTA. There has been little national coordination between the Legal Services program and these funding sources. As a result there is scant Federal agency policy on Legal Services or on paralegals, even from those agencies from whom substantial funds are allocated for Legal Services and paralegals.

There should also be coordination with potential sources of funding for studies and training, such as the Office of Education and other divisions of HEW and the National Science Foundation.

2. ASSIST IN ESTABLISHING BROAD BASED ACCREDITATION AND CERTIFICATION BOARDS

It is likely that, in the near future, rules for accreditation of paralegal training and for certification of paralegals will be formulated at state and national levels. These rules will have an important impact on shaping the paralegal occupation--who can be in it, what training paralegals should receive, and limitations on what they can do. There is great risk that protectionist and narrow policies in these areas will severely limit the role of paralegals in Legal Services.

Many bar associations around the country have begun to take control of accreditation and certification. These efforts have been widely opposed by paralegals, educators, Legal Services programs, and citizens generally. The prevailing policy in accreditation circles is that such rules should be established by a broadly representative group of lawyers, paralegals, educators, and citizens. Such is also the view of the Association of American Law Schools and the American Association of Community and Junior Colleges. CSA and the Legal Services Corporation should work with various national organizations to establish broadly representative rule making bodies.

3. FUND A STUDY ON THE USE OF PARALEGALS IN ADMINISTRATIVE REPRESENTATION

The greatest single use of paralegals in Legal Services is for administrative representation, in which paralegals are authorized by various Federal and state regulations to handle cases through administrative hearings. However, the Federal and state regulations are sometimes unclear and there is a further question of the boundaries to such paralegal work imposed by unauthorized practice laws. In a number of instances, private attorneys and bar associations have sought to reduce and limit such work by invoking unauthorized practice laws or proposing legislation to modify the present rules permitting lay representation.

Further study is needed so that policies and actions can be initiated to preserve this most important area of paralegal work. A study should be made of all Federal and state laws permitting lay administrative representation; unauthorized practice laws; the functions paralegals perform in hearings; and the general structure of such hearings.

4. ENCOURAGE EDUCATIONAL INSTITUTIONS TO TRAIN LEGAL SERVICES PARALEGALS

Almost without exception the colleges, universities, and law schools engaged in paralegal training offer exclusively private law courses. As a result, millions of dollars of educational resources are being devoted to paralegals, but virtually none for the benefit of Legal Services. This results in part from lack of knowledge about the nature of Legal Services, absense of Legal Services training material, and uncertainty about jobs for paralegals trained in the public sector. The offering of public law training by even a small number of colleges could markedly correct current training deficiencies. Steps should be taken to inform schools of the public sector training need, provide them with materials and technical assistance, and insure that their graduates have reasonable job opportunities.

5. ISSUE A CODE OF CONDUCT AND RULES FOR LEGAL SERVICES PARALEGALS

Legal Services attorneys and paralegals have no clear guidelines for paralegal conduct. Issues of ethical responsibilities of paralegals, confidentiality, signing correspondence, and identification to the public regularly arise and no guidance is available.

Many bar associations are drafting and promulgating proposed rules of conduct for paralegals. These proposals are geared to private law paralegals and either do not address or unwittingly interfere with the functions of Legal Services paralegals. Unless this void is filled, rules of conduct will be set by others, to the probable detriment of Legal Services.

6. APPOINT A BROADLY REPRESENTATIVE ADVISORY COMMITTEE ON PARALEGAL MATTERS

The number of paralegals in Legal Services has reached a magnitude which justifies special attention.

Aside from the studies, experiments, and recommendations of NPI, there is no source of policy, advice, and recommendations to the national program. An advisory committee of Legal Services attorneys, clients, citizens, paralegals, and paralegal trainers should be established to give the national program regular advice and insight from those working in the field.

EMPLOYMENT, UTILIZATION, AND UPGRADING

1. FORMULATE AND ISSUE POLICIES TO ENCOURAGE EMPLOYMENT AND UTILIZATION OF PARALEGALS

While many Legal Services programs have employed paralegals on their own initiative, they have only demonstrated rather than exhausted the potential.

In the past, OEO developed policies requiring projects to analyze and take steps to accomplish certain goals. The most notable example is the law reform requirements issued by the national office in the late 1960's. A similar policy is needed for paralegals.

Projects could be required to analyze functions related to divorce, landlord-tenant, administrative cases, and so forth, which need not be performed by a lawyer, and then be encouraged to assign those functions to paralegals. Very few projects have analyzed the division of work possible between paralegals and lawyers and a national directive will be necessary to bring about such analysis on the project level.

As a variant of this, some projects could be required to demonstrate that they are handling cases as efficiently as possible. There are examples around the country of systemization and use of paralegals which greatly expand caseload capacity. These more efficient projects could be used to set standards which other projects would be required to meet. Most often, this would involve increased utilization of paralegals.

A simple approach would be to indicate that experience has shown that projects can function more efficiently with a certain minimum number of paralegals and require projects to expend a certain percentage, perhaps 15 percent, of their budget on paralegals.

2. PROVIDE FUNDS AND INCENTIVES TO EMPLOY PARALEGALS

As an alternative to the above recommendation, the national program could invoke the incentive of additional funding and benefits to those projects which employ paralegals and use them effectively. Thus, a project might be offered a 5-percent funding increase to be used exclusively for paralegals, provided the project develops an approved plan for training and utilizing paralegals.

3. DEVELOP NATIONAL POLICIES ON PARALEGAL SALARIES AND CAREERS

As the report indicates, paralegal salaries are extremely low, frequently less than those of secretaries. Legal Services paralegal salaries are almost always far below the salaries of private law paralegals. Moreover, there is no policy for salary increments, promotions, and career ladders.

There is an abundance of talent available for paralegal work and public interest in the occupation is high. This infusion of talent could have dramatic consequences on the quality of legal services to the poor. However, inordinately low salaries and absence of a career structure will cause Legal Services to lose the best paralegals. One efficient, well-paid, and motivated paralegal is worth two timeservers.

The national program should design guidelines and models for paralegal salaries and career ladders.

4. FUND EXPERIMENTS IN THE UTILIZATION OF PARALEGALS

Legal Services programs have utilized paralegals creatively, but they seldom have funds for experimentation. Experimentation requires not only some risk taking, but a careful data gathering and evaluation process. Some possible experiments are:

A. Establish an experimental office of 10 paralegals and 2 attorneys, with the attorneys' principal responsibility being supervising and training paralegals. This office would attempt to demonstrate how systemization, supervision, and large volume work can allow paralegals to handle most Legal Services problems. (Similar experiments have been tried with great success in the private law sector with even more paralegals per attorney.)

B. Conduct a demonstration, in conjunction with other Federal agencies, for training and utilizing retired, disabled, blind, and other disadvantaged people as paralegals. NPI has trained one blind paralegal at one of its regular training programs with amazingly few problems. HEW is known to be interested in paralegal work for the blind.

C. Allow subprofessionals to perform some of the routine work which requires knowledge and skills, but is not paralegal work; for example, intake interviewing, outreach, and community liaison. Some of this work might be performed by college and law students who have taken a specially designed short training program.

D. Set up a clinical training center, similar to law school clinics, where paralegals are brought in to work under the supervision of trainers on a few selected cases and to receive organized instruction as well. Paralegals might be rotated through such a clinic in groups of 15 every month for a total of 180 a year.

5. PROMOTE THE USE OF PARALEGAL SPECIALISTS

As shown in this report, specialization is the most efficient way to use paralegals. However, many programs use them as generalists (or primarily as intake interviewers). Massive caseload pressures combined with a small number of attorneys often dictate this use.

The most extreme (but not unusual) situation is where one lawyer and one paralegal function in a neighborhood office. Such a paralegal is often expected, with little or no training, to handle consumer, landlord-tenant, Social Security, AFDC, and unemployment compensation cases all within a single day. One possible experiment would be to have paralegal specialists rotate among various neighborhood offices, handling only particular cases in each office.

There has been no national Office of Legal Services policy regarding the virtues of paralegal specialists versus generalists. Such a policy would promote better utilization of paralegals.

6. PROVIDE TECHNICAL ASSISTANCE TO PROJECTS TO OBTAIN OUTSIDE FUNDING FOR PARALEGALS

Many projects have successfully obtained outside funds for paralegals. However, little technical assistance is available in this area. In particular, the projects need coordination and direct assistance with the funding agencies in state capitals, from which most such funding flows. It is often insufficient to call to a project's attention the possibility of outside funding. They lack appropriate access to funding sources and the funding sources are not sufficiently enlightened about Legal Services.

Being based in Washington, D.C., and having other priorities, NPI is unable to help projects obtain state funding.

In some states where statewide Legal Services programs are responsible for coordinating and promoting outside funding, considerable success has been achieved. It is recommended that the national program establish regional teams to help projects obtain state funds for paralegals and to expand services in general.

TRAINING

1. FUND THE DESIGN AND TESTING OF MORE PARALEGAL MATERIALS

When NPI began designing paralegal training materials in 1973, it developed a comprehensive curriculum for paralegals. It then proceeded to develop three training programs: for beginners (including domestic relations, landlord-tenant, and welfare); administrative representation; and Social Security/ Supplemental Security Income. These programs have been tested and refined around the country and NPI has disseminated them into the field.

Much of the training encompassed within the original comprehensive curriculum has not yet been developed. Fully developed materials are not yet available in such substantive areas as consumer, domestic relations (aside from divorce), workmens' compensation, unemployment, motor vehicle, juvenile, health care, and mental health. Specific subjects, such as due process, legal writing, and office administration have been omitted from training because of time and money constraints. More training is also needed in skills including drafting, community education, reading of legal documents, and advanced administrative representation skills.

As the paralegal occupation expands, other training needs will undoubtedly arise.

The national program should continue to fund development of training materials since there is no indication that any other organization will develop such materials. (In its refunding request for September 1, 1975, NPI offers to develop additional training materials and programs.)

2. ESTABLISH PERMANENT TRAINING CENTERS FOR PARALEGALS

As shown in this report, the most appropriate training for working Legal Services paralegals is a short, intensive training program at a training retreat. While there are many variations as to how training can be presented, certain basic elements are necessary: an appropriate site, carefully designed material , and experienced training teams. These elements can be assembled in various places around the country for regional and statewide training or can be centrally located. The advantages of a single location are substantial. To take a training program on the road requires complicated logistics, locating new sites (some of which may be inadequate), transporting materials, and other time consuming arrangements, Bringing paralegals to a central training site would allow for more training sessions and would be less wearing on personnel. A central training site does not preclude use of project-based trainers and can be consistent with a policy of giving people in the field responsibility for training.

It is recommended that the national program finance a single paralegal training facility, operated by NPI, offering regular and frequent training to paralegals and relying on trained trainers in the field as teachers. Such a site might be established in Washington, D.C., for paralegals east of the Mississippi. If successful, a second program on the West Coast might be indicated.

3. REQUIRE THAT EACH PROJECT HAVING FOUR OR MORE PARALEGALS DESIGNATE A FULL-TIME PARALEGAL COORDINATOR

Without a paralegal coordinator, project paralegals often flounder. Busy attorneys, whose priorities are their own cases, seldom have time for supervision, much less training. Paralegals are not properly structured into the office, receive little direction, have no access to training, and often fail to reach their potential. Any full-time paralegal needs a supervisor; four or more justify designation of a full-time coordinator.

4. PROVIDE TUITION FUNDS FOR OUTSIDE TRAINING

At those many projects having a single paralegal or where no training is available paralegals can often locate a training program available on a tuition basis. While very few colleges and universities offer training programs for public paralegals, some individual courses in colleges would be appropriate. Moreover, short training is offered by such groups as welfare rights organizations, tenants organizations, consumer groups, city and state agencies, the National Lawyers Guild, and bar associations. At nominal cost, paralegals could travel to and pay for such training. Few can afford to do so on their own and, thus, many go without training. The national office could provide training-expense funds through regional offices to be allocated among paralegals in each region.

5. PROVIDE FIXED STIPENDS TO PROJECTS TO SUPPORT PARALEGAL TRAINING

A slightly different approach to the above recommendation would be to give each project a set amount of money (for example, $500) for each paralegal in the program. These funds would be used for purchasing training materials, paying for outside training consultants, and sending paralegals to training programs and conferences.

6. FUND A GROUP OF PARALEGAL TRAINING SPECIALISTS TO OFFER TECHNICAL ASSISTANCE TO PROJECTS WITH PARALEGALS

Many projects have asked NPI for help in setting up training programs within the project. NPI's funding level supports, with all its other activities, very few technical assistance visits. Thus, it can seldom provide the kind of assistance many projects need--receiving available NPI training materials and a visit from an experienced trainer who can explain how the materials can be used.

Over the last 3 years, NPI has worked with approximately 20 paralegals and attorneys from the field who are experienced trainers and who are now familiar with NPI materials. With relatively modest funding, these people could be employed as technical assistance specialists in paralegal training to visit various projects. Selecting consultants from near the projects would reduce travel costs and provide an economical way of promoting in-house training for paralegals.

7. FUND THE TRAINING OF PARALEGAL TRAINERS FOR THE PROJECTS

A number of medium and large projects have appointed paralegal training coordinators. Such designees seldom have training experience or the resources and time to develop substantial training materials on their own. One efficient way to help these people do their job would be for groups of trainer-coordinators to be brought together by NPI for an introduction to NPI training materials and for classes on training devices and techniques. (In its refunding proposal for September 1, 1975, NPI requests funds for such trainer training sessions.)

8. INCREASE THE FUNDING FOR PARALEGAL TRAINING AND EMPLOYMENT

Many problems discussed in this report and reflected in these recommendations can be solved by money. A number of good paralegal training programs exist on paper; however, there is insufficient money to deliver them. Many projects would employ substantially more paralegals if they had sufficient funding.

There are compelling arguements for devoting substantially more funds to paralegals. This report indicates, by data and by opinions of project directors, that paralegals can handle a substantial quantity of

Legal Services work at a reduced cost. Thus, increased employment of paralegals will mean providing more service for the same money.

The training needs of paralegals are clear. Lawyers arrive at Legal Services with 3 years of expensive education and sometimes with additional experience. In comparison, paralegals generally arrive with neither. Nevertheless, CSA spends approximately five times as much training Legal Services attorneys than it does paralegals. This is not to argue for less lawyer training. However, the contrast indicates that within the overall Legal Services budget, paralegal training has been severely underfunded.

Three years ago, there was no way for OEO to fund paralegal training since materials and training techniques did not exist. The investment in NPI has cured this. There are now more materials and more experienced paralegal trainers than can be used within the funding limits. The return on the OEO investment will come when more training funds are made available.

APPENDIX A

PROJECT DIRECTOR QUESTIONNAIRE, 1974

Name ____________________

Position ____________________

Office Phone ____________________
(Area Code)

Name of Project ____________________

Office Address ____________________

____________________ (Zip Code)

If your office is not the central office of your project, please list below the address and telephone number of the central office

____

____________________ (Zip Code)

(Area Code) ____________________

Name of Project Director ____________________

1. How many people are employed in your office within each of the job types listed below?

	Full-Time		Part-Time	
	Salaried	Non-Salaried	Salaried	Non-Salaried
a) Lawyers				
b) Secretaries and Receptionist				
c) Social Workers and Community Workers				
d) Paralegals (see cover sheet definition)				
e) Investigators				
f) Other (indicate)				

Please answer question #2 through #21 only if you have paralegals employed in your office.

2. How did you select the paralegals in your office?
   a) Advertisements in newspapers, TV, etc. ____________________
   b) Local anti-poverty agency (specify) ____________________
   c) Private employment agencies ____________________
   d) State employment agencies ____________________
   e) Local neighborhood group ____________________
   f) Word-of-mouth ____________________
   g) University or college referrals ____________________
   h) Other ____________________

3. Please identify, where indicated on the next pages, the name, job title, and legal specialty (if any) of each paralegal employed in your office. Then check the box(es) below the name of each paralegal to indicate his or her job duties.

NAME OF PARALEGAL					
JOB TITLE					
AREA(S) OF SPECIALITY					
JOB DUTIES Conducting initial intake interview to determine eligibility, etc.					
Interviewing clients					
Legal research					
Legal drafting					
Counselling clients					
Referring clients to other community resources					
Investigations for facts, witnesses					
Negotiating with government agencies or other parties to a grievance					
Representing clients at Fair Hearings. List type(s) of Hearings					
Basic writing and communication (letters, memos, etc.)					
Completing standard forms (ex., for divorce cases, eviction cases, etc.)					
Office administration and record keeping					
Maintain the law library					
Other					

NAME OF PARALEGAL					
JOB TITLE					
AREA(S) OF SPECIALITY					
JOB DUTIES Conducting initial intake interview to determine eligibility, etc.					
Interviewing clients					
Legal research					
Legal drafting					
Counselling clients					
Referring clients to other community resource.					
Investigations for facts, witnesses					
Negotiating with government agencies or other parties to a grievance					
Representing clients at Fair Hearings (List type(s) of Hearings					
Basic writing and communication (letters, memos, etc.)					
Completing standard forms (ex., for divorce cases, eviction cases, etc.)					
Office administration and record keeping					
Maintaing the law library					
Other					

4. Are full-time paralegals in your office salaried by project funds or by outside agencies (VISTA, etc) ?

5. Is the average salary of full-time paralegals above or below the starting salary of the secretaries employed by your project?

6. What tasks do you think the paralegals should perform that they are not now performing?

7. What tasks do you think the paralegals could perform at the present?

8. What percentage or portion of the office caseload is handled by the paralegal?

9. Has the presence of paralegals effected an increase in the volume of your office's caseload?

10. If you have provided training opportunities for the paralegals working within your office, what was the nature of such training:
    a) In-house (by staff lawyers) ____________
    b) In-house (by other than staff lawyers) ____________
    c) Elsewhere (specify) ____________
    d) No training ____________

11. If you have provided in-house training for your paralegal:
    a) Please describe briefly the content:

    Nature of the training (monthly meetings, daily consultations, etc.)

    How long? ____________

What subjects are covered?____________________________________

What materials are used, if any? ______________________________

b) Who provides this training?___________________________________

Did you pay the trainers fees?________________________________

Stipends?____

c) How did you select the paralegals for this training? _______________

d) In your opinion, how useful was this training?____________________

12. If you have provided your paralegals with opportunities with outside training:

a) Briefly describe the nature of this training. _____________________

b) How did you select the paralegals for this training. _______________

c) Source of funds for this training. ____________________________

d) In your opinion, how useful was this training?____________________

13. If you have not provided or are not able to provide either in-house or other training opportunities for your paralegals, what are the reasons for not providing such training?____________________________________

14. How would you improve your own methods in training the paralegals employed by your project, given that you had a sufficient amount of time and/or money for the training that you feel is necessary?______________________________

____

____

____

____

15. How many paralegals working in your office have received substantial training in any of the following areas?

___ interviewing techniques

___ investigation for facts, witnesses, etc.

___ negotiation

___ advocacy

___ fair hearing

___ basic writing and communication (letters, memos, etc.)

___ legal writing

___ brief writing

___ legal research

___ exploring community resources (outreach and referral)

___ using "systems" (forms and set guidelines for handling cases)

___ study of the structure of the legal system

___ contracts

___ torts

___ due process

___ record keeping

___ law office administration

___ relating to attorneys

___ introduction to the paralegal world: developments, issues, credentialing, licensing, status issues

___ basic office psychology and ways to get along and work effectively

___ Consumer Law

___ Social Security

___ Landlord-Tenant

___ Domestic Relations

___ Juvenile

___ Welfare

___ Food Stamps

___ Health (medicare, medicaid, etc)

___ Unemployment Compensation

16. How often do the attorneys in your office review the work of the paralegals?

a) After each case _____

b) Daily _____

c) Weekly _____

d) Monthly _____

e) As needed _____

f) Other (please specify) ____________________

17. Are office attorneys oriented or instructed in supervising, working with or utilizing paralegals? ________ If yes, by whom and for how long?

____

18. If there is a paralegal supervisor in your office, describe his/her responsibilities and functions in this position? ____________________

____

19. If your lawyers have had no orientation to the effective use of paralegals, do you feel that such an orientation will be useful? ____________

Would you release such lawyers for a two day regional training conference on the use of paralegals? ____________________

If no, why not? ____________________

20. Which of these statements best describes your feelings about any paralegals now working in your office?

a) They have generally fulfilled high expectations _____

b) They have generally done well, but not as well as expected_____

c) They have generally done well, but somewhat better than expected_____

d) They have generally been disappointing_____

21. Please give us any suggestions you have as to how performance of your paralegals might be improved ____________________

____

Please answer all questions below whether or not you have paralegals employed in your office.

22. Which of the following kinds of paralegal work does you office most need (or need more of)?

	Needs Most	Needs more of	Has No Need
a) Community legal workers, knowledgeable in group legal rights (e.g. rent strikes, powers of a corporation, urban renewal) to organize and work with groups			
b) Technicians who specialize in handling volume cases in routine areas such as divorce, eviction, application for public housing			
c) Advocate who can prepare and present administrative hearings in welfare, workmans compensation, etc.			
d) Other (specify) ________________			

23. If secretaries, investigators, or social workers and community workers in your office engage in any of these tasks listed below, please check on the appropriate line:

	Secretary	Investigator	Social Worker	Community Worker
Conducting initial intake interview to determine eligibility, etc.				
Interviewing clients				
Legal research				
Legal drafting				
Counselling clients				
Referring clients to other community resources				
Investigations for facts, witnesses				
Negotiating with government agencies or other parties to a grievance				
Representing clients at fair hearings. List type(s) of hearings				
Basic writing and communication (letters, memos, etc.)				
Completing standard forms (i.e., divorce cases, eviction cases, etc.)				
Office administration and record keeping				
Maintain the law library				

24. Which of these statements best describes your feelings about paralegals in general:

a) They are of great value ____________

b) They are of some value ____________

c) They are of slight or negligible value ____________

d) They are of no value ____________

e) Don't know, no experience ____________

25. At present, do you have a staff person who could train paralegals?

a) Yes, ____________

b) No, not available ______________

c) No, personnel available but too busy ______________

26. Which of these statements about paralegals best describes your situation?

a) No need for any paralegals ________________

b) No need for additional paralegals _________________

c) No need for additional paralegals, but need for additional training

____

d) Need for additional paralegals, but no need for other than present available training ______________

e) Need for both additional paralegals and help in training __________

27. If you checked off either 26c or 26e: Would you be able to send them

elsewhere for training:

___ Yes

___ No

28. Do you have (or could you arrange your budget to create) funds to employ any people who would be used as paralegals? _____ Yes ___ No If yes, how many could you hire? ____

29. Are there persons presently on your staff who are neither attorneys nor paralegals, who could be developed into paralegal and whom you could free for such work?

___ Yes

___ No

If yes: Give numbers of such persons and their job titles ______________

____

____

30. What technical services should the National Paralegal Institute engage in for advancing the paralegal concept? (Please number the services that should be supplied in the priority you have assign, (1 as the highest priority through 10)

a) Preparing training manuals ____________________________________

b) Supplying instructions on how to recruit, train, supervise and use paralegals yourself ____

c) Providing office systems and manuals covering office administration and handling of divorce, landlord-tenant, etc., with forms and instructions.

____

d) Offering training courses, for paralegals at a national center or at regional centers ____

e) Offering training courses at the local level ____________________

f) Supplying technical personnel for training at local level __________

g) Recruiting paralegals ____

h) Disseminating information about paralegals ______________________

i) Helping locate funding for new paralegal jobs in legal services office

____

j) Getting community colleges and universities started in training and graduating qualified paralegals whom you could then hire __________

____

k) Others (Please list) ____________________________

____

____

____

31. Additional Comments: ____________________________

____

____

____

____

____

____

____

____

____

____

____

Please return the completed questionnaire to:

Ms. Anne Welsh
National Paralegal Institute
2000 P Street, N.W.
Suite 600
Washington, D.C. 20036

APPENDIX B

PARALEGAL QUESTIONNAIRE, 1975

1. Name ________________________________

Job Title ________________________________

Project ________________________________

Address ________________________________

________________________________ (ZIP)

Telephone ________________________________
(Area Code)

If your office is not the central office in your project, please give the address and telephone number of the central office.

Address ________________________________

________________________________ (ZIP)

Telephone ________________________________
(Area Code)

2. Number of fully-staffed offices in project _____

Number of "circuit" offices, if any _____

3. Age:

a. ___ Under 21 years old
b. ___ 21 to 30 years old
c. ___ 31 to 40 years old
d. ___ 41 to 50 years old
e. ___ 51 to 60 years old
f. ___ 61 years or older

4. Ethnic origin (Optional: this information will be useful to us if you care to provide it.)

a. ___ Black
b. ___ Spanish descent (except Mexican)
c. ___ Chicano
d. ___ Caucasian
e. ___ Indian
f. ___ Oriental
g. ___ Other ________________

5. Educational Background: Check where appropriate

a. ___ Some high school
b. ___ Completed high school or obtained equivalency diploma
c. ___ Some college
d. ___ Completed junior college
e. ___ Completed four-year college or university program
f. ___ Some post-graduate courses
g. ___ Completed Master's degree program
h. ___ Attending paralegal training program offered by a college, university, law school, or paralegal school or institute
i. ___ Completed a paralegal training program
j. ___ Attending law school
k. ___ Completed law school
l. ___ Other (Specify) ________________________________

6. Employment Status:

a.___Full time

___Number of hours in work-week, excluding overtime

b.___Part time

___Number of hours in average work week, excluding overtime

7. Length of time performing paralegal work before being employed by your project, if any: ___months

8. Total length of time with the project: ___months

9. Length of time in paralegal job position in the project: ___months

10. If you have been employed by the project in any other capacity than as a paralegal, what was your job title prior to becoming a paralegal?____________

____

11. Source of funds for annual salary and dollar amounts from each source

a. Project funds (OEO legal services) $____________________

b. VISTA funds $____________________

c. UYA funds $____________________

d. Senior citizen funding source
Specify source, if known (e.g., HEW, AOA, etc.______________

____________________ $____________________

e. CAP (Community Action Program) funds $____________________

f. Other (Specify)______________

____________________ $____________________

g. Source of salary: unknown______ $____________________

h. TOTAL SALARY______________ $____________________

i. I earn no salary ______________.

12. Main area of specialty: (Check only one if you specialize primarily in one area of the law. If you do a substantial amount of work in more than one area, indicate primary, secondary and/or third areas of specialty by writing in the numbers "1", "2", and/or "3" on the appropriate lines.)

a.___Bankruptcy
b.___Community Education, Organization, Public Relations
c.___Criminal Law (Pre-conviction)
d.___Consumer Law
e.___Divorce Law
f.___Domestic Relations
g.___Department of Motor Vehicles Law (DMV)
h.___Employment Law
i.___Farm Workers
j.___Health Law (Health & Food Problems; Mental Health; Food & Nutrition)
k.___Housing and Landlord-Tenant Law
l.___Immigration
m.___Indian/Tribal Law
n.___Interviewing
o.___Investigation
p.___Juvenile Law
q.___Legal Research

(Question 12 continued on next page)

r.___Post-conviction Remedies and Correction Law
s.___Public Benefit Programs/ Administrative Law (AFDC, GA, Food Stamps, SSI, etc., except for Senior Citizen problems)
t.___Secretarial and/or clerical work and/or Office Management
u.___Senior Citizen Problems
v.___General
w.___Other______________________________

13. Job Duties

For each of the job functions listed below, please indicate whether you perform each function

1. regularly and frequently
2. sometimes
3. seldom
4. very rarely or never

by writing the number 1, 2, 3, or 4 in the space provided. (For example, if you interview clients on a regular basis, write "1" in the space provided.)

a.___Conduct initial intake interviews to determine eligibility, etc.
b.___Interviewing clients
c.___Legal Research
d.___Legal drafting
e.___Counseling clients, other than referrals to other community resources.
f.___Referring clients to other community resources
g.___Investigations for facts, witnesses, etc.
h.___Negotiating with government agencies or other parties to a grievance
i.___Representing clients at Fair Hearings
List type(s) of hearing at which you represent clients on a regular and frequent basis. ______________________________

____

j.___Basic writing and communication (letters, memos, etc.)
k.___Completing standard forms (ex., for divorce cases, eviction cases, etc.)
l.___Office administration and record keeping
m.___Maintain the law library
n.___Other (Please specify)

____

____

____

14. If you have been provided with structured training programs by your project, please place a check beside each type of training program with which you have been provided, describe the nature of the training, and if possible to estimate the number of hours spent in these training programs.

a.___Inhouse, by staff lawyers or paralegals, other than just supervision of your work
Nature of the program(s):______________________________

____

____

Estimated number of hours:__________

b.___Inhouse, by trainers from outside the project
Nature of the program(s):______________________________

____

Estimated number of hours:__________

c.___Elsewhere (Specify)________________________________

Nature of the program(s):________________________________

____

____

Estimated number of hours:__________

d.___No training other than case-by-case supervision

Estimated number of hours per week:__________

15. By placing a check in the appropriate column(s) below, please indicate whether you have received substantial training (i.e., approximately one day or more) in any of the following areas listed below.

Column 1: Training session given in the project, other than those connected with case supervision

Column 2: Outside training conferences or programs, such as special training seminars, community education programs, etc. (1 or 2 days)

Column 3: Outside, short-term intensive training programs, such as those offered by Dixwell Legal Rights, the National Paralegal Institute (2 days or longer)

Column 4: Courses in paralegal studies offered by a college, university or paralegal training institute

Column 5: Law school courses

	1	2	3	4	5
SKILLS TRAINING					
a. Interviewing techniques					
b. Investigation for facts, witnesses, etc.					
c. Negotiation					
d. Advocacy					
e. Representing clients at fair hearings and/or in tribal courts					
f. Basic writing and communication (letters, memos, etc.)					
g. Legal writing					
h. Brief writing					
i. Legal research					
j. Exploring community resources (outreach and referral)					
LEGAL CONCEPTS					
a. Study of the structure of the legal system					
b. Contracts					
c. Torts					
d. Due process					
OFFICE ADMINISTRATION AND FUNCTION					
a. Law office administration					
b. Functioning with attorneys					
c. Record keeping					
d. Using "systems" (forms and set guidelines)					
e. Basic office psychology and ways to get along and work effectively					

	1	2	3	4	5
SUBSTANTIVE LAW					
a. Bankruptcy Law					
b. Consumer Law					
c. Social Security Law					
d. Housing/Landlord-Tenant Law					
e. Divorce Law					
f. Domestic Relations					
g. Juvenile Law					
h. AFDC Law					
i. Food Stamps					
j. Medicare/Medicaid					
k. Unemployment Compensation					
l. Employment Law					
m. SSI					
n. Immigration Law					
o. Indian/Tribal Law					
p. Farm Workers					
q. Ethics/Unauthorized Practice					
r. Health Law (Mental Health; Food & Nutrition)					
s. Other (Specify)					
PARALEGAL ISSUES					
a. Introduction to the paralegal world: developments, issues, credentialing, licensing, status issues					

16. How often do the attorneys in your office review your work?

a.___After each case or assignment
b.___Daily
c.___Weekly
d.___Biweekly
e.___Monthly
f.___As needed
g.___Other (Specify) ______________________________

17. What are your plans to remain a paralegal at the project?

a.___Plan to stay at the project indefinitely
b.___Plan to stay at the project at least a year
c.___Plan to stay at the project less than a year
d.___Plan to leave the project soon
e.___Am in VISTA or UYA and will leave the project when my term is over
f.___Am in VISTA or UYA and hope to remain with the project when my term is over
g.___Am planning to attend law school within the next two years
h.___Have been accepted into law school and will continue to work in the project while attending law school
i.___Have been accepted into law school and leave the project to attend school
j.___Am now attending law school while working at the project
k.___Am completing law school within the next year and will remain in the project as an attorney
l.___Am completing law school within the next year and will leave the project
m.___Am leaving the project within a year to go back to school

18. Before working for the project, were you

a.___In school (and either unemployed or working)
b.___Unemployed
c.___Employed part time or irregularly
d.___Working full-time elsewhere as a paralegal
e.___Working full time elsewhere, not as a paralegal

19. If you deal directly with clients in any other capacity besides intake interviewing, please complete the following questions:

a. On the average, I see ______clients per day.

b. I handle an average caseload of ______ cases (i.e., I am working on this number of cases, average, at any given time).

c. I handle an average of about ______ administrative hearing per month

d. I settle, or assist clients to their satisfaction in about ________ cases per day.

20. My feeling about training is:

a.___I need structured training courses in skills (interviewing, negotiation, investigation, hearing representation, legal research and writing).

b.___I need structured courses in general law (ex., contracts, due process, torts)

c.___I need structured training courses in substantive specialty areas (ex., welfare, landlord-tenant, consumer, divorce law, etc.)

d.___I have no need for structured training courses.

Please return to the address below by May 30, 1975:

Anne Welsh
National Paralegal Institute
2000 P St., N.W., Room 600
Washington, DC 20036

APPENDIX C

MODEL TRAINING SESSION SCHEDULE

MODEL TRAINING SESSION

(8-12)

SUNDAY

2:00 - 4:00	REGISTRATION
4:00 - 5:00	Introduction to the Training Program
5:00 - 6:00	DINNER
7:00 - 9:00	SOCIAL HOUR

MONDAY

	GROUP A	# of Trainers	# of Rooms		GROUP B	# of Trainers	# of Rooms
8:30 - 10:30	Unauthorized * Practice	3	1	8:30 - 10:30	Unauthorized Practice*	(Joint Session with A)	
10:30 - 10:45	BREAK			10:30 - 10:45	BREAK		
10:45 - 1:00	Advocacy & Professional Responsibility*	3	1	10:45 - 1:00	Advocacy & Professional Responsibility*	(Joint Session with A)	
1:00 - 2:00			LUNCH				
2:00 - 4:00	Review of Substantive Law #1	1	1	2:00 - 4:00	Review of Substantive Law # 2	1	1
4:00 - 4:15	BREAK			4:00 - 4:15	BREAK		
4:15 - 6:00	Substantive Law and Introduction to the Problem	1	1	4:15 - 6:00	Substantive Law and Introduction to the Problem	1	1
6:00 - 7:00			DINNER				

TUESDAY

GROUP A

		# of Trainers	# of Rooms
8:30 - 9:30	Review of Law and Regulations	1	1
9:30 - 11:00	Interview Components	1	1
11:00 - 12:00	Individual Prep.		
12:00 - 1:00	LUNCH		
1:00 - 3:00	Interview Role Play and Comments		

Interviewer	Actress	Trainer		
1. 2. 3. 4.			4	4

		# of Trainers	# of Rooms
3:00 - 3:15	BREAK		
3:15 - 5:15	Introduction to Investigation Fact/Law Analysis	1	1
5:30 - 6:30	DINNER		

GROUP B

		# of Trainers	# of Rooms
8:30 - 9:30	Review of Law and Regulations	1	1
9:30 - 11:00	Interview Components	1	1
11:00 - 12:00	Individual Prep.		
1:00 - 3:00	Legal Research	1	1
3:00 - 3:15	Break		
3:15 - 5:15	Interview Role Play and Comments		

Interviewer	Actress	Trainer		
1. 2. 3. 4.			4	4

WEDNESDAY

GROUP A

		# of Trainers	# of Rooms
8:30 - 10:15	Investigation Continued	1	1
10:15 - 10:30	BREAK		
10:30 - 12:30	Preparation & Instruction for Negotiation	1	1
12:30 - 1:30	L U N C H		
1:30 - 2:30	Individual Preparation for Negotiation		
2:30 - 3:45	Negotiation Role Play and Comments		
Negotiator	Trainer		
1.			
2.			
3.		4	4
4.			
3:45 - 5:45	Preparation & Instruction for the Hearing	1	1
6:00 - 7:00	D I N N E R		

GROUP B

		# of Trainers	# of Rooms
8:30 - 10:15	Introduction to Investigation	1	1
10:15 - 10:30	BREAK		
10:30 - 12:30	Investigation Continued	1	1
1:30 - 3:30	Preparation & Instruction for Negotiation	1	1
3:30 - 4:30	Individual Prep. for Negotiation		
4:30 - 5:45	Negotiation Role Play and Comments		
Negotiator	Trainer		
1.			
2.		4	4
3.			
4.			

THURSDAY

GROUP A		# of Trainers	# of Rooms	GROUP B		# of Trainers	# of Rooms
8:30 - 10:15	Preparation Continued	1	1	8:30 - 10:15	Preparation & Instruction for the Hearing	1	1
10:15 - 10:30	BREAK			10:15 - 10:30	BREAK		
10:30 - 11:30	Instruction for Client Preparation	1	1	10:30 - 12:30	Preparation Continued	1	1
11:30 - 12:30	Client Preparation	1	1				
12:30 - 1:30	LUNCH						
1:30 - 3:30	Individual Preparation			1:30 - 2:30	Instruction for Client Preparation	1	1
3:30 - 5:30	Final Hearing Preparation	1	1	2:30 - 3:30	Client Preparation	1	1
				3:30 - 5:30	Individual Preparation		
6:00 - 7:00	DINNER						

FRIDAY

GROUP A

		# of Trainers	# of Rooms
8:30 - 10:30	Hearing Role Play and Comments	4	4
10:30 - 12:30	Legal Research	2	1

Representative	Client	Trainer
1.		
2.		
3.		
4.		

GROUP B

		# of Trainers	# of Rooms
8:30 - 10:30	Final Hearing Preparation	1	1
10:30 - 12:30	Hearing Role Play and Comments	4	4

Representative	Client	Trainer
1.		
2.		
3.		
4.		

12:30 - 2:00 LUNCH & CLOSING

MODEL TRAINING SCHEDULE

GROUP A

SUNDAY		ROOM
2:00 - 4:00	Registration	
4:00 - 5:00	Introduction to the Training Program	
5:00 - 6:00	Dinner	
7:00 - 9:00	Social Hour	

MONDAY		
8:30 - 10:30	Unauthorized Practice	
10:30 - 10:45	Break	
10:45 - 1:00	Advocacy & Professional Responsibility	
1:00 - 2:00	Lunch	
2:00 - 4:00	Review of Substantive Law #1	
4:00 - 4:15	Break	
4:15 - 6:00	Substantive Law and Introduction to the Problem	
6:00 - 7:00	Dinner	

TUESDAY		
8:30 - 9:30	Review of Law and Regulations	
9:30 - 11:00	Interview Components	
11:00 - 12:00	Individual Preparation	
12:00 - 1:00	Lunch	
1:00 - 3:00	Interview Role Play and Comments	
3:00 - 3:15	Break	
3:15 - 5:15	Introduction to Investigation Fact/Law Analysis	
5:30 - 6:30	Dinner	

WEDNESDAY		
8:30 - 10:15	Investigation Continued	
10:15 - 10:30	Break	
10:30 - 12:30	Preparation & Instruction for Negotiation	
12:30 - 1:30	Lunch	
1:30 - 2:30	Individual Preparation for Negotiation	
2:30 - 3:45	Negotiation Role Play and Comments	
3:45 - 5:45	Preparation & Instruction for the Hearing	
6:00 - 7:00	Dinner	

MODEL TRAINING SCHEDULE

GROUP A

THURSDAY

		ROOM
8:30 - 10:15	Preparation Continued	
10:15 - 10:30	Break	
10:30 - 11:30	Instruction for Client Preparation	
11:30 - 12:30	Client Preparation	
12:30 - 1:30	Lunch	
1:30 - 3:30	Individual Preparation	
3:30 - 5:30	Final Hearing Preparation	
6:00 - 7:00	Dinner	

FRIDAY

8:30 - 10:30	Hearing Role Play and Comments
10:30 - 12:30	Legal Research
12:30 - 2:00	Lunch & Closing

MODEL TRAINING SCHEDULE

GROUP B

SUNDAY		ROOM
2:00 - 4:00	Registration	
4:00 - 5:00	Introduction to the Training Program	
5:00 - 6:00	Dinner	
7:00 - 9:00	Social Hour	
MONDAY		
8:30 - 10:30	Unauthorized Practice	
10:30 - 10:45	Break	
10:45 - 1:00	Advocacy & Professional Responsibility	
1:00 - 2:00	Lunch	
2:00 - 4:00	Review of Substantive Law #2	
4:00 - 4:15	Break	
4:15 - 6:00	Substantive Law and Introduction to the Problem	
6:00 - 7:00	Dinner	
TUESDAY		
8:30 - 9:30	Review of Law and Regulations	
9:30 - 11:00	Interview Components	
11:00 - 12:00	Individual Preparation	
1:00 - 3:00	Legal Research	
3:00 - 3:15	Break	
3:15 - 5:15	Interview Role Play and Comments	
5:30 - 6:30	Dinner	
WEDNESDAY		
8:30 - 10:15	Introduction to Investigation	
10:15 - 10:30	Break	
10:30 - 12:30	Investigation Continued	
1:30 - 3:30	Preparation & Instruction for Negotiation	
3:30 - 4:30	Individual Preparation for Negotiation	
4:30 - 5:45	Negotiation Role Play and Comments	
6:00 - 7:00	Dinner	

MODEL TRAINING SCHEDULE

GROUP B

THURSDAY

		ROOM
8:30 - 10:15	Preparation & Instruction for the Hearing	
10:15 - 10:30	Break	
10:30 - 12:30	Preparation Continued	
12:30 - 1:30	Lunch	
1:30 - 2:30	Instruction for Client Preparation	
2:30 - 3:30	Client Preparation	
3:30 - 5:30	Individual Preparation	
6:00 - 7:00	Dinner	

FRIDAY

8:30 - 10:30	Final Hearing Preparation
10:30 - 12:30	Hearing Role Play and Comments
12:30 - 2:00	Lunch & Closing

APPENDIX D - PUBLICATIONS & VIDEO TAPES AVAILABLE FROM NPI

Make check payable to: National Paralegal Institute
2000 P Street, N.W., Suite 600
Washington, D.C. 20036

ATTENTION: CAROL SMITH

SHIP TO: ____________________

ADDRESS: ____________________

CITY: ____________________ STATE ________ ZIP ______

BASIC INFORMATION AND GENERAL TRAINING MATERIALS

1. What Have Paralegals Done?: A Dictionary of Function (1973) — 6.00
   An analysis of paralegal activities in 27 areas of law, both general, e.g., legal research, litigation assistance, investigation, as well as specific areas, e.g., corporate law, consumer law, welfare law, etc. Bibliography included.

2. A Short Review of the Paralegal Movement (1975) — 1.00
   A summary of development; a profile of public and private paralegals, and discussion of some major paralegal issues.

3. Introduction to the Legal System: A Short Story for Paralegals (1973) — 3.00
   A short story concerning the legal problems encountered by one family. As the problems are identified and resolved, the reader is given basic information about subject such as the functions of different levels and branches of government, administrative procedure, due process, court hearings, function of a lawyer in the legal system, conflict of interest, adversay system, jurisdiction, etc.

4. Teaching Advocacy: Learner-Focused Training for Paralegals (1973) — 5.00
   A text oriented to teachers/trainers of paralegals in advocacy, particularly administrative advocacy where paralegals are authorized by law to represent citizens. The text is appropriate for use within institutional training programs, e.g., colleges, or as part of in-house training efforts. Bibliography included.

5. Legal Research, Writing and Analysis for Law Students and Paralegals: Some Starting Points (1973) — 6.00
   Introduction to the law library. the variety, use and interrelationship of basic reference materails. Emphasis on the fundamentals of legal research and writing.

6. Legal Interviewing for Paralegals (1973) — 3.00
   A text intended for paralegals, either for self-instruction or in a classroom as part of a training program. The text focuses on an analysis of a legal interview conducted by a paralegal based on an hypothetical case; through discussion, a number of problems, principles, and guidelines on interviewing emerge.

7. Investigation in a Law Office: A Manual for Paralegals (1974) — 3.00
   Introduction to fact finding and analysis: sources for evidence, interviewing techniques, access to records.

8. Introduction to Civil and Criminal Litigation: Roles for the Paralegal (1974) — 3.00
   The role of the paralegal as assistant in litigation, agency, pre-trial, trial, appeal, and enforcement/compliance stage considered.

9. Basic Substantive Law for Paralegals: Contracts, Torts, and Due Process (1973) TRAINEE'S MANUAL — 3.00
   The text comprises an overview for paralegals of the basic legal concepts usually found in introductory law courses in contracts, torts, and the due process area of constitutional law.

   AND

   Basic Substantive Law for Paralegals: Contracts, Torts, and Due Process (1973) TRAINER'S MANUAL
   Companion piece to Trainee's Manual; discussion of the theory underlying that manual, and recommendations on how to conduct training using this manual.

10. The Role of the Welfare Advocate (1975) — 1.00
Overview of a welfare advocate's role and responsibility to clients.

11. Summary of the AFDC Program in the U.S.A.: (Dec.1975) — 6.00
A comprehensive advocate handbook on the Federal Requirements of the Aid to Families with Dependent Children Program (AFDC). Covers all eligibility conditions, the application and appeals process and outlines the rights and responsibilities of applicants and recipients. The handbook is designed to be used in the training of the welfare advocate and as a reference book.

12. Summary of the AFDC Program: Florida (1975) — 5.00
Comprehensive advocate handbook on AFDC law in the State of Florida (Florida Residents only)

THE FOLLOWING PUBLICATIONS ARE SPECIFICALLY DESIGNED TO MEET THE NEEDS OF SENIOR CITIZENS

13. Paralegal Interviewing: Fact gathering & the Human Perspective (1974)
TRAINER'S HANDBOOK — 1.25
TRAINEE'S HANDBOOK — 1.25
Handbooks used to train older persons as paralegals. These handbooks are designed as one part of a training packet on interviewing skills that includes a film, a trainee's handbook and a trainer's handbook. (Film: Rental $25.00 for twoo weeks)

14. The Santa Cruz Story (1974) — 2.50
A practical guide on how to set up a legal services project to meet the needs of senior citizens. An important component of this plan is the utilization of senior citizens a legal assistants. Information includes: Developing the idea, Getting the nformation, Locating and designing the office, Training of staff, the office procedures, Staff Training and development.

15. Supplemental Security Income: An Advocate's Handbook (1975) — 6.00
The purpose of this Handbook is to give paralegals in legal services offices and lay advocates in social services and health agencies a basic understanding of the Supplemental Security Income Program. This handbook is designed to be used in training and also as a reference book.

16. Representation at a Social Security Hearing: Focus on Disability — 6.00
Instructions on how to investigate, organize, and make a presentation at a disability hearing (Social Security or SSI). Includes many useful advocacy tips. (Companion film of disability hearing: Rental $25.00 for two weeks)

COMPREHENSIVE TRAINING PROGRAM MATERIALS

16. The Mary Thomas Case
All materials for a five to seven day intensive training program in administrative representation. Includes trainers' guide and instruction schedule, materials to be distributed to trainees and instruction folder for actresses used in interview and hearing role play sequences. Includes all documents necessary to handle Mrs. Thomas' Case from initial interview through final administrative hearing decision.

17. Generic Training Materials
Trainers' guide and instructions and material to be distributed to trainees for short courses in: Roles of Paralegals, Unauthorized Practice of Law, Advocacy and Professional Responsibility, and Legal Research and the Structure of the Legal System. These courses include problems and mini role plays. Also included is a piece on Teaching Tips for Paralegal Training. (These materials are included in the Mary Thomas Case package.)

The following videotapes are available on a limited basis from the National Paralegal Institute. There is a minimum rental fee of $25.00, per tape, PAYABLE IN ADVANCE, for a rental period of fourteen days. A fourteen-day rental period begins the day NPI puts the requested materials in the mail and ends fourteen days thereafter. Video materials must be returned and in the NPI office within the fourteen day time limit.

If you plan to keep all or part of the video material for more than fourteen days, specify that fact in your order and reflect it in your prepayment. Include, in addition to the $25.00 minimum rental fee per tape, $3.00 per day for each tape that you plan to keep out of the NPI office over fourteen days.

In the event video materials are not returned to the NPI office within fourteen days,without prior notice and prepayment, there will be a $5.00 per day, per tape, late charge.

When ordering videotapes, please specify the title and order number of each tape you wish to receive.

Due to the limited number of videotapes available for rental purposes, video material may NOT be kept out of the NPI office for more than twenty-one days.

We will do our best to fill all orders on time, but again, due to the limited number of tapes available at any one time, we cannot guarantee delivery of tapes on a specific date.

Please make checks payable to The National Paralegal Institute.

NOTE: THERE WILL BE A CHARGE FOR ANY DAMAGE TO VIDEOTAPES.

The subject matter of the following group of tapes is the Supplemental Security Income Program.

1.	Title	An Overview of Major Benefit Programs
	Time	17
	Cast	Wanda Collins Terry Donnely Clarissa Ward
	Content	Discussion of major benefit programs as potential resources for clients. Includes a discussion of insurance and pension programs as well as welfare programs.
	Use	Introduce paralegals to the variety of public benefit programs, their interrelation, and their general classification as insurance or need-based programs.

ORDER NUMBER A001

2.	Title	An Overview of SSI
	Time	25
	Cast	Wanda Collins Terry Donnely Clarissa Ward
	Content	Discussion of the major concepts in the SSI program, i.e., means test, income and resources, "living in the household of another," etc.
	Use	Teach SSI concepts.

ORDER NUMBER A002

3.	Title	Initial Client Interview and Techniques
	Time	30
	Cast	Client, Jack Keefauver Paralegal, Clarissa Ward Narrator, Wanda Collins
	Content	Initial client interview in an SSI disability case. The tape demonstrates and the moderator comments on good interviewing techniques in defining the client's problem, fact gathering and developing a plan of action.
	Use	Teach good interviewing techniques.

ORDER NUMBER A003

4.	Title	Client Representation at Social Security Administrative Hearing
	Time	30
	Cast	Client, Jack Keefauver Paralegal, Mrs. Franklin Narrator, Wanda Collins
	Content	A Social Security Administration SSI disibility hearing followed by a discussion of SSI administrative hearing procedures and good techniques used by the paralegal in the hearing.
	Use	Teach hearing techniques in non-adversarial hearings. The tape may also be used to illustrate the functions of paralegals (particularly in legal services to the elderly).

ORDER NUMBER A004

5.	Title	An SSI Hearing Role Play at Training Session
	Time	60
	Cast	Hearing Examiner, Wanda Collins Jack Kefauver, Al Hester Paralegal, Abby Kotelenek
	Content	A role playing hearing done at an actual training session; includes a critique of the paralegal's performance during the hearing.
	Use	Illustrate hearing techniques in non-adversarial hearings. The tape may also be used to show the functions of paralegals (particularly in legal services to the elderly).

ORDER NUMBER A005

The subject matter of the following group of tapes is the AFDC case of Mary Thomas, a welfare recipient.

1.	Title	Interview of a Client
	Time	40
	Cast	Actress, Mary Thomas Paralegal, Wally Oman
	Content	Initial client interview in an AFDC case. The tape covers good interviewing techniques in defining a client's problem, fact gathering and developing a plan of action.

	Use	Teach general interviewing skills.

ORDER NUMBER B001

2.	Title	Negotiations
	Time	16
	Cast	Paralegal, Katherine Jermany Welfare Department Representative, Peter Sissman
	Content	Pre-fair hearing negotiations of issues in AFDC case between a paralegal and a representative of the welfare department.
	Use	Teach general negotiating skills.

ORDER NUMBER B002

3.	Title	Fair Hearing
	Time	45
	Cast	Paralegal, Katherine Jermany Hearing Officer, Actor Client, Actress
	Content	A fair hearing in an AFDC case demonstrating correct techniques to be used by a paralegal.
	Use	Demonstrate skills necessary at fair hearing.

ORDER NUMBER B003

The following tapes are referred to as "generic" pieces because they deal with basic issues that relate to paralegal practice or teach basic skills.

1.	Title	Fact Management
	Time	15
	Cast	Narrator, Eleanor Kopecky
	Content	Demonstrates techniques used in fact gathering, identification of legal problems, relating facts to legal rules and presentation of facts in making a case. Uses the Leo Leahy unemployment insurance case.
	Use	For use in any skills training program to provide basis to discuss fact-law management and evidentiary rules.

ORDER NUMBER C001

2a.	Title	Paralegals, A New Level in the Legal Profession
	Time	12
	Cast	Narrator, Bill Fry
	Content	Roles paralegals fill in Legal Service offices.
2b.	Title	Ethics and Unauthorized Practice
	Time	12
	Cast	Narrator, Brad Cottlin
	Content	Ethics for paralegals; discussion of scope of responsibility paralegals may assume in a law office; raises and illustrates ethical issues.

ORDER NUMBER C002

3.	Title	Juvenile Hearing
	Time	15
	Cast	Judge, Larry Schwartz Police Officer, Actor Child, Actor Child's Mother, Actress
	Content	Hearing in Juvenile Court, which is designed to raise basic due process issues.
	Use	As basis to discuss and teach due process concepts.

ORDER NUMBER C003